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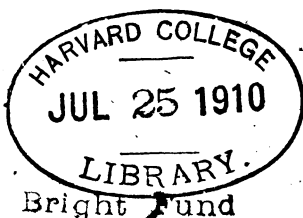
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LETTERS
OF
DE C I U S,
IN ANSWER TO THE CRITICISM UPON THE
POLITICAL ACCOUNT OF TRINIDAD;
AND UPON THE
DEFENCE OF THE CRIMES
OF
GOVERNOR PICTON,
IN THE
ANTI-JACOBIN REVIEW,
UNDER THE TITLE OF THE
“ PICTONIAN PROSECUTION.”

LONDON:
PRINTED AND SOLD BY JOHN MORTON, PRINTER OF THE
SUNDAY REVIEW, AT THE OFFICE, 272, STRAND.

1808.

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ADVERTISEMENT.

THE following LETTERS having been published in the SUNDAY REVIEW, in order to expose the falsehoods contained in the ANTI-JACOBIN REVIEW, under the pretext of a Criticism upon a Work, entitled, "The Political Account of Trinidad;" but with the real object to renew the libels, and scurrilous defumations contained in the Numbers of the ANTI-JACOBIN, during three years past;—and the matter contained in these Letters having excited such general and earnest attention, that the Public could not be sufficiently supplied with the Weekly Numbers; and more especially, as some persons of distinction have desired to have the whole series of Letters: The Printer, willing to afford Public satisfaction, has been induced to promote the circulation of them, as the best means of explaining the extraordinary proceedings in the Pictonian Prosecution, and of refuting the libels so repeatedly published in the ANTI-JACOBIN REVIEW.

LETTER I.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

SIR,

AS my friend the Author of the "*Political Account of the Island of Trinidad*," does not reside in town, I shall take upon myself the task of performing so much of his town business as will amount to an answer to your *business-like* concern with his publication. I am satisfied, that in attributing the mercenary motives of a *man of business* to you, upon this occasion, I am neither erroneous nor uncharitable; for you must have applied yourself much more diligently to the *business* of that Island, than the duty which you have to perform, as a literary critic, requires, or than the knowledge of any man, who has not been in that country, can render possible; or you could not have become so intimately acquainted with circumstances and characters, as to have given such false colourings to the one, and such attempted palliations to the crimes of the other: crimes, at which your heart must shudder, while you palliate them; and which your conscience must condemn, while avarice induces you to undertake the unseemly work of smothering the blood of innocent victims!

In order to perform more methodically the task I have undertaken, I shall take up your pretended criticism from the beginning. Your statements are so palpably warped, that I do not "feel I have any extraordinary duty to perform, although I have at once truth to enforce, error to correct, and misrepresentation to repel." *

You commence with pretensions to impartiality, and attack the Author upon that score; while it is glaringly evident, that you have unperformed the part of the literary critic, and bestow all the mental powers you possess in replying to and contradicting, for you do not confute, the personal passages; thereby meriting the very censure you would bring down upon the Author; and in the very attempt to

* Anti-Jacobin Review.

prove that he has two objects, "one ostensible, the other real," you expose your own cloven foot; for your ostensible object is criticism, but your real object is that disgusting and more than "ordinary duty to discharge," in which you have been engaged during the last two years; and, as I presume, for no ordinary hire: for, to violate your own feelings, and to deceive the public, in order to uphold the greatest outrages to justice and humanity, are sacrifices requiring "no ordinary" reward!

Every species of artifice seems to be at your command. I will take care to do justice to your ingenuity, by making it as evident as possible. You make us recollect, that impartiality is "the great duty of an historian." The world knows that it is equally the duty of a critic: but you accuse the author of partiality, because he treats of the different dispositions and conduct of the two distinguished characters who filled the offices of the Government of the country, of which the history is given; and because, in the consideration of the conduct of each, conviction produces a decision on one side, in a case in which, from the circumstances being diametrically opposite, one man cannot have two opinions, you declare the historian to be partial. But this is absolute nonsense. Is he partial, because he is not of your opinion? If he had been of your opinion, would not the *Fullertonians*, with equal justice, have also called him partial. It is not a natural history of the Island into which he has introduced opinions of characters; but you chuse to forget that the title of the Work is a: "*Political Account*." It is then my duty to make you recollect it; and to ask you, what figure you would make as an historian, if, in an attempt to write the history of England, during the reign of George III. you were to be so "*impartial*" as not to mention at all, or only to mention the mere existence of two such men as Mr. Pitt and Mr. Fox; or, what is a case more exactly in point, to omit the late affair of the Roman Catholic Bill, and the political strictures which might be made upon the conduct of my Lord Howick and my Lord Castlereagh?

You state, that an "investigation had been made by the Privy Council, and the result declared in the acquittal of Colonel Picton, of all the charges brought against him." It matters not whether the Author was or was not "so fully occupied at home in preparing his work," as not to know whether this be true; since I know that

it

it is shamefully false ; and for the satisfaction of the Public, hereunto is subjoined a copy * of the communication from the Clerk of the Privy Council upon the subject, which was printed in several of the Daily Papers in the month of June last. Upon reading this proof, that Colonel *Pierson* still stands charged with hanging, torturing, and shooting a great number of persons without trial, and with mutilating and BURNING ALIVE others for sorcery, divination, and the black art, &c. ; and that instead of being acquitted, he has not even been tried, excepting for the torture of *LOUISA CALDERON*, in which he was convicted, and is now at liberty only on bail ; it must strike every reflecting man with astonishment, that, under such circumstances, he should have been " restored to (read *obtruded upon*) the presence of his Sovereign ! " Why did you not at once boldly make the addition " to the favour of his Sovereign : " it was as easy, while you were about it ; and if not so true, that would have been but a trifle in the scale of crimes, which are yet to be brought to the balance of justice.

But you do venture to assert, that he is restored to " the good opinion of his fellow subjects." How dare you insult the good sense and feelings of the British Public, by such a libel upon their justice and humanity ? Has he yet been tried by a British Jury, before the Lord Chief Justice, in Westminster Hall, or in the Old Bailey, for the capital charges ?—No ; and do you believe a British Public will decide that he is innocent, any more than they would decide that he is guilty, without a trial ? It cannot be, they know better how to decide. But at any rate they will decide, that, as every day their fellow-subjects are committed for the trial of crimes, far inferior to the heinous offences with which he is charged ; and for which crimes, trifling as some of them are, they, poor wretches, may justly plead the calls of hunger from miserable mothers and infants : I say, at any rate, an impartial Public will decide that the *rich* should submit to trial as well as the *poor*.

* Mr. Fawkenor had desired to see Colonel Fullarton, for the purpose of informing him, that the Lords of the Committee have submitted to his Majesty their opinion, that it will not be advisable that any proceedings should be instituted against Colonel *Pierson* under the Statute of the 33^d of Henry VIII. chap. 23, with relation to any of the cases of criminal charges which were referred to the Committee, by his Majesty's order in Council, of the 9th of November, 1803.

Is this man, because he is a *Colonel*, to go unpunished for any crimes he may be charged with ; while another man, because he is a *private*, is to be hanged, whether he deserves it or not ? They are so far upon a footing : so far the Colonel's principles of justice are still acted upon ; but the wickedness of such principles is evident in the different events of the two cases. The Colonel is not punished ; nor is he tried. But the Private *was hanged* because he *was not* tried.

I say the Colonel has not been tried ; and I doubt not, that there are personages, high in office, who will be disgusted at an attempt to revive, what you call " calumnies so long refuted ;" but what the Ministers (who ordered the arrest of Colonel Picton, and bailed him only in 40,000*l.*) know to be capital charges, sworn to before the then Privy Council, upon the oaths of living witnesses in England. And I must tell the Public, it was not the Administration that arrested and bailed Colonel Picton, who directed that bail to be released ; nor was it the present Administration. No ! those philanthropic Ministers, whose hearts were melting for the Roman Catholics, were the men, who, at the time they were thus making professions of humanity, did not punish Colonel Picton, for *hanging, shooting, and mutilating* their fellow-subjects in Trinidad, without trial ; and for BURNING PEOPLE ALIVE !

These are the crimes with which Colonel Picton is charged. And why is he not tried according to the ordinary forms of law ? Why is he to be arrested and held to bail by one set of Ministers ; discharged from bail by another set ; obtruded into the presence of Majesty by a third ; and still left to be tried for the same charges, whenever a fourth Administration may be formed ?

Is it not true, that Major Collins, his principle evidence, refused, before the Privy Council, to answer several questions, lest he should criminate himself ? Indeed, the Right Honourable Members of that Board advised him to be cautious not to criminate himself.—Were such refusals to answer questions necessary, had there been no guilt ? Was it not acknowledging crimes in the accused, when the evidence was apprehensive of being involved in his crimination ? And if the evidence apprehended crimination, who was only an instrument in this business, what must be the state of the accused ? Besides, must he not have been an unwilling evidence, who was in danger of criminating himself ? If the accused be innocent, what has he to apprehend from a public trial ? If he were innocent, would he not demand

demand a trial, in order to be acquitted before the whole world?—Governor *Wall*, at the end of eighteen years, submitted himself to the event of a trial. Governor *Picton* does not chuse to run such a risk. But if he were innocent, would he not prosecute the writers of, what would then be, the libels that have appeared in the public Papers? What innocent man would bear such disgraceful accusations? Why does he not prosecute his accusers? He has no doubt been well advised; or his inward monitor has told him, that in justification of the libels, those charges may be proved in public Court, which he has made so much interest to smother elsewhere. *All the Talents* were admirably displayed in acts of tolerance across the Irish Channel, while tolerating, by misplaced lenity to Governor *Picton*, injustice and inhumanity across the Atlantic.

You have been instructed to urge that Spanish Law was in force, and that the Governor was bound to act thereby. It might as well have been urged in defence of Governor *Wall*, that he acted according to the law of the *African Nations*, in punishing the soldier, for which he was hanged. You may puzzle your readers with the laws of nations, and the prerogative of the Crown to govern ceded countries, upon many other charges against Colonel *Picton*; but Spanish Law cannot screen him in the case of *HUGH GALLAGHER*, a private of the *Royal Artillery*, who was hanged, without a trial, on the 27th or 28th of May, 1797; and whose alledged guilt was assumed by *Kenny*, another private of the same regiment, when on his death-bed some time after. *Hugh Gallagher* had not a trial, even by Spanish Law; nor would such a trial have justified the execution of a British soldier in garrison, who ought to have been tried by a General Court-Martial. This case puts the Spanish Law out of the question: and the excuse that there were not officers enough to form a Court-Martial, is contradicted upon the oath of several witnesses, who swore before the Privy Council to the names of more than twenty officers, who were in the garrison on the day of *Gallagher's* death: and even if there had not been enough, his trial might have awaited the arrival of officers, to be sent for from other Islands, as is usual, when a General Court-Martial is required, if officers enough are not present. There was no necessity for haste: *he was not charged with mutiny, nor was the Garrison threatened with mutiny*, as in the case of Governor *Wall*. There was then no excuse for hanging *Hugh Gallagher* without

without a trial, who would have been proved to be innocent, had he been listened to, when he prayed not to be hanged unheard !

What, then is the comparative case of WALL and PICTON ? Governor Wall caused the death of a man by flogging—Governor Picton is charged with having caused the death of HUGH GALLAGHER by hanging. Was the hanging more justifiable than the flogging ? Governor Wall was hanged for flogging a soldier who died. What ought to happen to GOVERNOR PICTON, who is accused of having hanged a soldier WITHOUT A TRIAL ?

You next notice the following quotation.—“ In the quarter of North Naparima, a naked slave was placed on a nest of stinging ants, until the excruciating agonies of such exquisite torture nearly extinguished life.” *—Upon this extraordinary case you say, “ We are unwilling, for the honour of human nature, to give credit to this statement.”

It appears, that “ the honour of human nature” stands very much in the way of Justice through the whole of the affairs of this ill-fated Island. If Picton had been charged with only *one* crime, it would have been believed possible that he had committed *that* crime. But his good luck, hitherto, has consisted in having given occasion to a list of charges for so many and such uncommonly inhuman acts, that the very number and enormity of them have been his best protection, by raising a disbelief of the possibility that any human being could have perpetrated such horrid deeds. You, and his other defenders, have taken the advantage of this disbelief, and have played it off to his great benefit. But, notwithstanding all this trickery, there are Members of the Right Honourable Privy Council who know, that, however much it would be “ for the honour of human nature” if there were no grounds for such charges ; yet, nevertheless, these charges have been sworn to by many living witnesses of the horrid facts !—And as to the case of the “ excruciating agonies” of torture by “ stinging ants,” I request of you, “ for the honour of human nature,” not to disbelieve it any longer ; for you can be satisfied of the truth, by applying to my Lord Grenville, who is in possession of the whole case and its proofs ; and the original documents may be seen, if required. Nor need it again be asked, “ why was not his name held up to public execration ?” as his Lordship may afford

* Vide Political Account of Trinidad.

you the means of publicly execrating it in your *impartial Magazine*. Those who have had the misfortune to live in Trinidad during Colonel Picton's government, must be infuriated at your effrontery, when they read what you assert of the "*mild spirit*" by which he modified the laws of Spain by those of Great Britain! And I must inform you, that he either had the right to alter the laws *in toto*, or not to modify them at all. He could not possess more power than was delegated to him: and no authority could delegate to him the right to exercise power, contrary to natural justice and equity.

The cause in which you have been engaged is so bad, that to uphold it you are driven to the most palpable misrepresentations upon the plainest points. Lord Chief Justice De Grey does not say, that the Constitution of Great Britain must be *first* established in the country where torture and banishment were used, in order to put an end to those punishments. He says, "If any country, in which torture and banishment are the law, come into the possession of Great Britain, these punishments fall of course; the Constitution of Great Britain puts an end to them." Which is saying, that "those punishments fall of course," *because they are contrary* "to the Constitution of Great Britain," *into whose* "possession" *the country is* "come" in which they were used. This is the obvious meaning and true spirit of Lord De Grey's opinion in the case of *Fabritas v. Mostyn*.

You are next guilty of a wicked falsehood; for you assert, that LOUISA, who was *tortured* to extort evidence from her, was *accused* and *tortured* in *punishment* for a crime. This I call abominably wicked; for it is condemning, *as guilty*, one who is *not* even charged with a crime. *She was tortured as a witness*. She never confessed any thing against herself; and even if she had, what ought it to amount to? since even you acknowledge it was "on the picket where she made that *confession*, to extort which every other means had been found ineffectual." And yet you say this picket was a punishment, though it was applied *before* the confession of the fact, to obtain which this *extorting* instrument was resorted to. Look at what you have written, and ask yourself, how you could so shamefully commit yourself, and the abominable cause which you have undertaken.—You have stated, both, that the picket was applied to *punish*, and to *extort confession*; but you have made it appear, that the *punishment* was *first*, and the *extorted confession* last.

But

But what sort of "*a gene*" is that which can *extort* a confession, "for which every other means had been found ineffectual?" It must be a *gene* of a very *torturing* description. And you wish that *torture* should be measured by the feelings of this Frenchman, *de Gourville*: and because *his flinty heart* is incapable of being tortured at the sight of any thing less than "*the rack*," or breaking on the wheel, we are to go to *his dictionary* to learn what torturing is! Are you not ashamed at insulting the public with such nonsense? Had I not read it myself, I would not, "for the honour of *criticism*," have believed it. But you must explain for this Frenchman a little farther: "The word *torture* meant," among other tortures, "applying *lighted torches* to the tender parts of the body: *these he had never seen in Trinidad*." Happy man! You may, indeed, rejoice that you never saw such things! But, alas! how few in that Island, besides yourself, can boast ignorance of such horrid cruelties?—Yes, "*impartial*" Editor—LIGHTED TORCHES have been applied, not only to the tender parts of the body, but to the whole of more bodies than one! Under "*the milder spirit*" of the government of Colonel Picton, a *living man*, and a *body*, from which the HEAD had been severed, were surrounded by the same faggots, and the *living* and the *dead* were burnt together! and many were the witnesses who were driven from their houses in the neighbourhood of the execution by the stench of *roasting human flesh, and burning bones*!! For "*the honour of human nature*," you might also discredit "*this statement*:" but as it is not "*for the honour of human nature*" that truth should be discredited, I inform you that the poor victims names were PIERRE FRANCOIS, and BOUQUI:—the first burnt alive, the second after *decapitation*; that both were executed in this manner together, in December, 1801; and that the facts have been verified before the Privy Council.

Hitherto the accused may have flattered himself, because the *putrifying brains*, and *distorted features*, of the many *spiked heads* of the unhappy victims do not assail the nostrils, and shock the eyes of the inhabitants of Great Britain, as they did those of the horror-struck people of Trinidad, that, therefore, the people of Great Britain will remain ignorant of such deeds. But the period will arrive when they shall be fully known; and when, it is trusted, the perpetrator of them will no longer escape what is due to such enormities: and, then, in what light will you appear to the world, by whose assistance the accused has been upheld?

NOVEMBER 20, 1807.

DECIUS.

LETTER II.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

"Potentiam malitia adiutur quis effugiat?"

SIR,

THE affairs of Trinidad, and the situation of certain persons connected with them, becoming daily more interesting, my impatience to attend to them, immediately and solely, almost overrules the obligation which I have imposed upon myself of continuing my answer to your criticism; the remainder of which is scarcely worthy of attention, after making those strictures which were suggested by the passages alluded to in my Letter of Sunday last. But, lest a silent contempt of your critical talents, or of their prostitution, should be interpreted in your favour, I will proceed in my reply to the flimsy remarks by which you endeavour to conceal your literary piracy: for it is very observable, that the uncommonly long extracts which you have made from the "*Political Account of Trinidad*," while they have served you in filling more than *thirty* pages of your Magazine, have also been inserted there, in order to prevent the sale of the publication, by giving the public so much of it for nothing, as would satisfy them of its contents, without purchasing it. Thus you expected, by preventing its general circulation, to leave an impression on the public mind, that the whole book was personal; and that it might be taken as unjustly personal, you have only quoted those passages which you could distort to your purpose.—This is one of those artifices, the ingenuity of which I promised to do you the justice of making glaringly evident; and the better to succeed in fulfilling that promise, I shall notice, as I go on with your remarks, those passages which you have artfully omitted to notice in, what may with great truth be called, your "*original criticism*."

You say, that Governor PICTON's reasons for suspending Judge NIBELL from his office, appear to have been satisfactory to the Judge himself, because he did not take the advice given him

B.

by

by the writer of the "Political Account," to appeal to the Privy Council, after the example, quoted in that book, of the Judges who were suspended from office in Jamaica.

If the reasons for suspending a Judge from his office *can be satisfactory to himself at all*, I do not see how they can at any rate be inferred to be *so* satisfactory, because he did not take the advice contained in a book, which was not published until many years after the case occurred : Such advice was not in existence at the time, therefore his being satisfied is not thence to be inferred : nor is he satisfied to this day. He received too much abuse from Governor Picton, on the occasion, ever to forget it : and if he ever felt any satisfaction, when he reflected upon the reasons of his being removed from office, that satisfaction arose from a happy consciousness, that the *cause* of his removal was as honourable a proof of his integrity, as it was a disgraceful proof of the Governor's turpitude.

After all, as you have had so intimate an intercourse with persons, who, on other points, have given you much information, why did you not inquire of them the true cause of Judge Nihell's suspension from office? and then, in the true spirit of impartiality, you might have published it. If such an impartial spirit ever had any influence in your conduct, you would have made such an inquiry ; but, I apprehend, the case is quite the reverse of this, and that you are as well acquainted with the fact upon this occasion, as you are with other facts, which you have been instructed to cover with those "convenient ambiguities and gross misstatements,"* that you so illiberally and partially attribute to others ; and therefore it is, that, with convenient ambiguity, you "presume," † and presume again and again, in order to remove all blame from this Governor. But I might as well attempt the Herculean task of removing your immoderate presumption, as that, by your presumption, you should ever remove the blame that attaches to this shameful transaction.

Here is displayed another instance of your ingenuity, and here I am again to fulfil my promise of doing justice to it, by again making evident the artifice you have had recourse to, in "*presuming*" where there was no ground for your *presumption*, while you have passed over in silence an event upon which you might have "*presumed*" with propriety, had you not hurried over the contents of

* Anti-Jacobin Review, No. CXII.

† Ibid, No. CXI. p. 15.

the page,* as a man would hurry over the unlucky spot where his unhappy friend had perpetrated a deed which he did not wish to remember.

Lest you should have burnt the book, to prevent others from knowing as much as yourself, I will repeat the passage to which I allude.—

“ His Britannic Majesty’s soldiers were employed, on another occasion, to besiege an old widow lady and her daughters in *their own house*, in order to enforce the sale of it, concerning which there was some dispute; and for three days or more, the number of troops was regularly increased every day in this disgraceful duty, intercepting the supplies of fire, water and food; until these *unprotected and friendless females* were actually starved out, to give place to one of the most outrageous and abandoned women, that ever disgraced the house of an English Governor.”

Ask Governor Picton, if this unfortunate widow’s name was Griffiths! But as he may not remember even the name of the injured party, yet such was the great intimacy with the woman who obtained the house, that *her name* must be *too dear* to him ever to be effaced from a mind possessed of *his sensibility*. But lest her conduct, since his departure, should have rendered *her name* as detestable in his recollection as the name of Griffiths may be harassing to his conscience, jog his memory with the name of Rosette: and if you watch his countenance you will need no stronger answer. Should he inform you that there were some law proceedings in this case; ask him whether Chief Justice Nihell, whom he *afterwards* suspended from office, did not *refuse* to confirm those law proceedings, by which this unprotected and friendless widow and her daughters were to be made to sell their dwelling-house against their inclination, to the woman called Rosette.

Let Chief Justice Nihell be asked, whether he applied for military force to put the decree in execution, by starving these unfortunate ladies during three days? or whether he did not refuse his signature to such proceedings? and let it be enquired of him, how long it was *after* thus acting, as directed by Sir R. Abercromby, “ *according to the dictates of his conscience*,” that he was suspended

* Political Account of Trinidad, p. 28.

from the office, to which that great and good man thought fit to appoint him.

If "in the course of the labour" in which you have "acquired much information respecting Trinidad," * you had as industriously searched after truth, as you have after the means of putting truth out of countenance, you would have found the true cause of Judge Nibell's suspension from office, though not among the "various papers and documents" that were put into your possession by the party who suspended him. But the Judge, instead of appealing against his suspension, calculated most *sagaciously*, yet certainly most *ignobly*, upon being reinstated in his office, without incurring the expence, and depending upon the risk of an appeal, that could not fail to excite the eternal and destructive hatred of the Governor, who, he knew, would feel, soon or late, that self-degraded state, which would prompt him to concessions as disgraceful as the act they would be made to efface.

The Judge was not unprofitably educated among the Jesuits. His design succeeded: and he enjoyed the triumph, if it can be so called, of receiving the courteous attentions of the same Governor, who had, but a short time before, bestowed upon him every epithet of insult and reproach that his vulgar vocabulary could furnish; and which he expressed in every language he was master of; lest the disgrace should be incomplete, which the Chief Justice was to suffer, previous to his being replaced in the post of *honour*, on the right hand of the Governor at his next public festival!

Is it not to be lamented, that the Judge, who could so meritoriously sustain this Governor's resentment, rather than sanction an unjust decree, had not strength of mind enough to resist, with becoming indignation, every advance towards reconciliation? But then he would not have been reinstated as Chief Justice: and as the expence, the trouble, and the uncertain event of an appeal, were greater evils than the mental sacrifice, the Judge had his triumph, and the Governor his degradation.

At this point you may inquire, why did not some part of the family of these oppressed females proceed to England, and apply for legal redress? Allow me to ask you, what would their application have availed? Tell me who has yet received redress,

* Anti-Jacobin Review, No. CXII. p. 165.

among

among all the instances of oppression and cruelty which have distinguished the despotism of this modern Caligula? It is now four years since he was recalled; and yet what justice have the family and the comrades of the unfortunate Gallagher obtained for that soldier's *illegal* execution? It is also as long since this afflicted widow permitted her favourite daughter to depart from Trinidad, to seek for that *boasted British Justice*, which she had a right to expect would reinstate her mother in the property that had been so unjustly wrested from her. But instead of successfully returning, to be the solace of her parent's declining years, the pursuit of justice has added the death of her daughter to the unjust privation of her property. This afflicted mother might have forgotten the loss of her property, in bewailing the death of her child, had not this irreparable loss originated in that oppression.

Such are the accidents and difficulties that occur to those, who must also incur the expences and dangers of a voyage of many thousands of miles, to seek for justice, where, after all, it may never be obtained! The exorbitant expences, and the legal, and I suppose necessary, facility of procrastinating *such* causes, almost amount to a prohibition of justice, in any affair above the ordinary level: more especially if any distinguished personages can be made to feel the apprehensions of recrimination from their affinity with the accused.

In our *Courts of Justice* such recriminating intimidations cannot occur, nor can they be merited; but is it not astonishing, that capital crimes committed beyond the seas should, in our improved jurisprudence, be left under the difficulties of the old statute, the 33d of Henry VIII; by which means the politics of the Cabinet may too often be allowed to supersede the justice of the Courts?

The difficulties in the prosecution of crimes committed beyond the seas, too frequently afford the accused the opportunity of escaping with impunity; and thus the oppression of the people is encouraged.

Before I take my leave of you, with the intention of continuing my address to you next Sunday, allow me to ask, when you took up your pen to defend the fame of those *who loved and were beloved* by Governor Picton, why did you suffer the harsh epithets that are applied to this woman, at whose instance these unfortunate ladies were so wronged? Why, I say, did you suffer the harsh epithets to pass under your pen, without bestowing a due proportion of its gall

gall upon the author? Here you will probably assume *something* like dignity, however *unnaturally*, and tell me, that the object of these epithets is below reproach; and therefore, that the author ought to have felt himself also above such epithets. In such a remark I could almost go along with you: and yet, why should he allow this person to remain wholly unnoticed? for she was rich, however unworthily she became so. She had influence, however shamefully acquired and unduly exercised. And as there are others who also owe *their* influence in the country only to *their* ill-gotten wealth and *their* Machiavelian intrigue, this person is as worthy of the *world's* *abhorrence* and *your* *approbation*, as some of those are upon whom you have lavished your *baneful* praise. *Autem, age quæ justa sunt.*

Nov. 28, 1807.

DECIUS

LETTER III.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW,

*Ipfi qui Cynica traducunt tempora Scena,
Nonnunquam nummis vendere verba solet.*

SIR,

CALCULATING more upon the folly, and the wickedness, than upon the sagacity of your support of Colonel Picton, I was much disappointed by the silence you have observed in your last Monthly Censor. Sagacity is, still, all that your silence can be attributed to; for if that nobler state of the mind, called Wisdom, had distinguished you from the wretched Party to which you are attached, you would have refrained altogether from upholding the conduct of a man, who you, as a Magistrate, must know, has violated the fundamental principles of our glorious Constitution; and has outraged the Laws of Reason, of Religion, of Christian Nations, and of natural Justice and Equity*.

* Vide Mr. Nolan's learned argument in the Report of the King's Bench Case, the King v. Picton.

Since

Since I began my remarks upon your "*original criticism*," the Party, whose cause you have espoused, have commenced their march to the place of purgatory, and one of them is actually suffering the means of expiating an offence against a person, who, you also have been libelling in your "*impartial*" Review.

As a Magistrate, it is your particular duty to preserve the peace; and yet, as an Editor, you have left no stone untouched that could, right or wrong, be hurled at Mr. Sullivan and Colonel Fullarton, in order to irritate them to some act of violence that might justify your abuse, instead of repulsing your unjustifiable attacks by legal means, which are now beginning to operate against your libellous co-adjutors. If such a line of conduct could have been anticipated previous to your nomination to the Magistracy, it must have prevented you from being entrusted with so sacred a duty, as the guardianship, to a certain extent, of the persons, liberties, and properties of your fellow-subjects; for who would have entrusted you with the performance of such a duty, who could have imagined that you would have ever been found in the act of upholding the application of torture, *under any system or circumstances*, to extort evidence; or in asserting that man to be innocent and persecuted, who has *hanged people without trial*, and *BURNT people ALIVE* for sorcery?

When you read the report of the proceedings in the Court of King's Bench, in the case of the King v. Colonel Draper, how must your heart smite you, to be told by those Magistrates, whose dignity, justice, and moderation you ought, as an inferior Magistrate, to imitate, that the character of the Right Hon. John Sullivan, who you have so wantonly calumniated, "*stood above reproach*?" Will you, as a Magistrate, pretend, that you were misled by Colonel Draper's publication? as he was by that affidavit of Dr. Lynch, which has been contradicted upon oath; and to which the Judge also refused all credit, stating in his charge, that it was "*scandalous and unfounded*." If you, too, can be misled by what his Lordship correctly termed such "*flying hearsay reports*," in what an unhappy predicament must those unfortunate people be placed, whose conviction depends upon your admission of such a sort of evidence against them. These considerations upon Dr. Lynch's affidavit, bring me to the recollection of another affidavit.

The

The subject of my last Letter was the suspension of Chief Judge Nihell. Upon several occasions it has been proved and published, that Sir Ralph Abercromby appointed Mr. Nihell to be Chief Justice, and invested him with criminal, as well as civil, jurisdiction, in consequence of the appeal to the Caraccas being interrupted by the conquest of the Island; and in order to obviate that inconvenience by an appeal from the Chief Justice to the Governor, instead of the appeal to the Caraccas; Mr. Nihell's appointment as Chief Justice was to continue during the pleasure of the Crown: and by Governor Hislop's Proclamation of April 3d, 1806*, "it is declared, that,"—"it doth not appear that *his Majesty* hath been pleased by *any act whatever* to annul or make void the said commission;" and therefore, "the said John Nihell shall *continue* to act therein, in the same manner as he did immediately after the capitulation," &c. &c. The present Governor's words are, "shall *continue* to act:"—for, as *his Majesty's* pleasure had never been known to the contrary, by whose pleasure alone the Chief Justice could be removed from office, so Governor Hislop correctly considered him as having the right to *continue* the exercise of his judicial functions. It is therefore not disputed, that Sir R. Abercromby appointed Mr. Nihell to be the Chief Justice: that he did immediately thereupon exercise that office: that he had the right to *continue* to exercise it: that he *does continue* to exercise it; and that his Majesty, by whose authority alone his judicial functions could be interdicted, never did, from his appointment to this time, "annul or make void the said Commission!!!"

Now, Sir, read the following asseveration of Colonel Picton, copied from his affidavit, filed in the King's Bench, sworn on the 11th May, 1804:—

"Nor did he, the said John Nihell, at the time of this deponent's leaving the said Island, nor doth he now, as this deponent ever heard or believed, execute any judicial office in the said Island, except that of Judge of the Court of Consulado, which is a tribunal instituted for the sole purpose of determining commercial differences by arbitration."

Comparing this affidavit with the indisputable facts which are previously stated, it becomes less astonishing, that many dignified

* Quoted in the "Political Account of Trinidad, page 14.

and worthy personages, as well as Colonel Draper, and the public mind, should have had their credulity affected in favour of the accused, when they have been practised upon by such affidavits from this Governor and this Doctor. Nor will the Governor, with all his ingenuity, be able to exonerate himself from this nefarious transaction; for, should he resort to the subterfuge, which is contrived in the artful wording of his affidavit, he is at least guilty, not merely of an equivocation upon oath, which is a great crime, but of a "*mental reservation*," which is a greater crime, because it is more out of the reach of human research. This is his subterfuge: "I did not swear that Sir Ralph Abercromby did not appoint Mr. Nihell to be Chief Justice. I did not swear that he never had a right to exercise a jurisdiction in criminal as well as civil matters. I did not swear that His Majesty ever annulled or made void Mr. Nihell's Commission as Chief Justice. I *only* swore, that when I left the Island, and at the time of my making my affidavit, he did not *execute* any judicial office except Judge of the Consulado."

This is the "*mental reservation*" of which he is guilty. Although he did not swear to more, yet he knew more; and, therefore, *ought* to have deposed all the truth upon the occasion; for by swearing to no more than he did swear, he meant and he intended that more should not be understood by his affidavit; and thereby he suggested the inference, that Mr. Nihell was not Chief Justice, knowing that he was Chief Justice; and he made the affidavit to prevent the Mandamus from the Court of King's Bench being directed to Mr. Nihell, who was stated to be Chief Justice.

If all this be not the case, why did not *Governor Picton* depose that Sir R. Abercromby did appoint him; that the King had never removed him; but that HE, *Governor Picton*, had removed him; and therefore, that he did not at the time of the affidavit *execute* any other judicial office than Judge of the Consulado. But if he had deposed that he had interrupted the Chief Justice in the exercise of his office, he would have been told, that he had no right to do so; and that, notwithstanding this illegal act, Mr. Nihell was nevertheless Chief Justice; and that the Governor's affidavit was null and void, *instead* of the Judge's commission.

But, Sir, he might have been told other truths as serious as this. He might have been told, that all the human blood with which his

government is stained, would not have been spilt, if the victims of his wanton cruelty had been arraigned at the bar of Justice before this Chief Judge. Of this the Governor was aware; for previous to the removal of the Judge, he had objected to the Governor's ordering a man to be executed who had not been tried! It cannot be believed, that this humane Judge, for such he truly is, would have refused to afford Gallagher, the unfortunate *artilleryman*, the opportunity of proving his innocence by a trial. Nor would any Chief Justice ever have disgraced humanity, and descended from his high dignity, as the Governor did, to insult this poor *soldier*, at the awful moment of his being launched into eternity, by telling him, he was "going to hell with a lie in his mouth!!!"

Such conduct was not the *mere dry, frigid exercise of justice*. It was *wanton cruelty*. What but *the most wanton cruelty* can explain the conduct of this Governor, who, after hanging JEAN BAPTISTE RICHARD, also without a trial, conducted Mr. Moss, a wealthy Planter, into the gallery of the Government-House, which overlooked the place of execution, and there shewed him the body of his unfortunate son-in-law suspended from the gallows? And when two Negroes, called Yalla and Youba, were condemned, under an illegal commission, to be banished, what but the most wanton disposition to cruelty could have induced this Governor to annul the sentence of those whom he had appointed to judge, and to order, *as a more severe punishment*, that those wretched slaves should be made to assist at the BURNING of a MAN called MANUEL; and then, that they should have their ears cut off, in addition to their original sentence of banishment? What, I say again, but the most malicious prodigality of human blood could have induced the threat, which was actually put in execution in May 1802, upon a negro called GOLIAH, and uttered by this Governor, as is sworn by Mr. Dawson of *Liverpool*—"If you do not pay the money, I'll cut him up under the gallows." This money was demanded for taking up Goliah, under the pretext of his having run away, when he was only returning on the road from church.* It was not convenient at the moment to pay the money, and therefore the negro was actually "cut up under the gallows;"—that is to say, he was so

* This is one of the shameful practices exposed in page 37 of the Political Account of Trinidad.

severely

severely flogged, with what is called the cart whip; that he lingered for a few days; and, as sworn by Mr. Dawson, he then died!

When I address you next Sunday, I will endeavour, if it be possible, when writing upon such subjects, to be less shocking, if that can be of any consequence to *your* feelings, who think so lightly of the torture inflicted upon Louisa Calderon. But allow me in the mean time to ask you, what is your opinion of Governor Picton's *innocence* now? when I tell you, that these facts have been sworn to before the Right Honourable Privy Council.

DECEMBER 4, 1807.

DECIUS.

LETTER IV.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

SIR,

BY this time you have had cause to consider the "Political Account of Trinidad," as a very moderate statement of the affairs of that Island, in comparison with such a statement as the Author of that book might with truth have given; and the man, for whom you have set up your "*original criticism*" as a defence, must consider your officious interference as the most unlucky event of his life, excepting the ill-fated league that he formed with the persecutors of his amiable but unfortunate predecessor, the Spanish Governor CHACONE. Governor Picton, no doubt, in his turn, complains of persecution. It would be well with him if he merited it no more than did the Spanish Governor, during the whole of whose government not one instance was ever known of torture or mutilation, or unlawful execution, or burning alive. But Governor Picton, as singular in his politics as he was in his cruelties, promoted the plan of the persecuting triumvirate, Black, Beggarat, and Robles, exhibiting the political phenomenon, of a charge from an *English Governor* to an *enemy King*, accusing the enemy's Governor of a *crime* in having too easily surrendered the Island to the forces of his Britannic Majesty. And

to render this extraordinary measure complete, the censure of the King of Spain against his Governor was sent out to Trinidad, couched in the severest terms (and was posted up in the office of Mr. Black or Beggorat, which ever of them was the Alcalde at the time), in order to deter, upon any future occasion, any officers under the Spanish flag from suffering such easy conquests in future.

As you have roused my attention to this triumvirate, by the undeserved respectability which you attach to them as Counsellors, I will bestow a few remarks upon them. However slightly the author of the Account of Trinidad passed over Messrs. Black and Beggorat, you are desirous that they should be better known. Colonel Draper, in his Address to the British Public, has strongly depicted "TRINIDADIANs;" and alludes to a law, in Grenada, made against persons who were, using your own words, "*induced to remove to Trinidad*," by what you have truly described as "*the inviting Cedula*" of that Government: which persons, Col. Draper writes, "*found an asylum in Trinidad*," sometimes taking with them their mortgaged negroes, &c. But it is you *alone*, Mr. Editor, who have stated it to be an incontrovertible fact, that Mr. Black "had been unsuccessful there as a merchant." Neither Col. Draper, nor the Account of Trinidad, stated so much as that. But you state, that "he carried away with him no property belonging to his creditors." True, he was a merchant; and planters, *only*, could take away mortgaged negroes. Negroes have legs: besides, one negro that can walk is worth more upon such an occasion, than one bale of goods without legs. As you were so indelicately officious in the cause of this "unsuccessful merchant" from Grenada, perhaps you can also tell me *how long previous* to the period at which the establishment of *English laws were apprehended* in Trinidad, it was that he began to make large payments to his creditors out of the property belonging to his wife?

It is you, alone, Mr. Editor, who have stated, that St. Hilaire Beggorat was induced to remove from Martinique also "by the *inviting Cedula*" of Trinidad. This Cedula appears to have been conveniently *inviting* to both these persons. Had Beggorat emigrated from Guadaloupe, we might have concluded that he was a Royalist, as Republicanism drove the Royalists from that Island: but you tell us, that he came from Martinique, from whence we know he was not

not likely to be driven as a Royalist, because the Royal party most prevailed there. Connect this with his jesuitical excuse for not assisting at the public funeral honours to the memory of the Duc d'Enghein, and I think it will be well made out for the author of "the Account of Trinidad," that this *French Member of a British Council* was not "an adherent to the House of Bourbon." But enough of him for the present; at a proper period more of his conduct and character shall be displayed, and of the different points of view in which Governor Picton has, at different times, considered and treated him: preparatory to which period, the relation in which he also stands to the *Government of Grenada* is deserving of enquiry; as well as, what relationship there is between him, his *forty friends* in Trinidad, and *Jean Baptiste Olivier, who was condemned to be hanged for treason in Grenada!*

Chief Justice Nihell has been heard to declare, that the use of the guillotine was at one time apprehended. Let him be asked, on whose estate was placed this republican instrument for exterminating Royalists? and let Monsieur Labarere, formerly Commandant of the valley of Diego Martin, be asked, if he never received orders from Governor Picton, that, upon the first commotion in the Island, he must proceed to the house of a *certain* father and son, and hang them on the tree nearest to their house, and then burn their estate about their ears.

I shall now proceed with your "*original criticism.*"—You next state, that our Author, to gratify his resentment, has overstepped the bounds both of truth and moderation." But I do not understand how you prove this accusation by asserting, that "Governor Picton acted *under his Majesty's instructions, not under the British Constitution.*" This is, however, so disgraceful a proof of constitutional ignorance, from a Magistrate too, that it would be even less credited than the cruelty of Colonel Picton has been, if your previous unconstitutional defence of torture to extort evidence did not warrant the belief, that you really are most culpably ignorant of the constitution of the country in which you are entrusted with the office of Magistracy.

Nothing but such ignorance could have betrayed you into such a libel against the King, as to state, that "*Governor Picton acted under his Majesty's instructions, not under the British Constitution.*"—

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The King could never give any instructions that were "not under the British Constitution." And if you mean, that his Majesty's Ministers ever gave any instructions contrary to (for that is what we must understand by "not under") the British Constitution, those Ministers ought to call you to an account for such a libel upon their Administration.

You ought to have known from the fate of the late Catholic Bill, and from his Majesty's constitutional rejection of that measure, that our Sovereign would never, of his sole authority, instruct his Ministers or Governors to admit Catholics to the Government of any part of his Empire, when he would not sanction any further tolerance, than is already enjoyed by the Roman Catholics, even though proposed by his Ministers in Parliament.

"You, however, consider that those men, who had lived under the Spanish Laws, though they could be no other than Catholics," "were certainly best calculated to be his (Governor Picton's) *advisers*." It is well for us that our glorious Constitution has provided against the influence of such *advisers* in the Government of Great Britain, and that our beloved Monarch will preserve inviolate its valuable principles; for, otherwise, the people of this nappier country might now be liable to be tortured and burnt alive, as the unhappy people were under the government of Colonel Picton in Trinidad. And if it were the case, that any more of our Magistrates, besides yourself, could think, that *Roman Catholic advisers*, in *any part* of his Majesty's dominions, ought to be tolerated, we have even greater cause, than was lately imagined, to rejoice at the constitutional inflexibility of our Sovereign, who shut the door against those advisers, that, in the case of Colonel Picton, were tolerating crimes actually originating in Catholic superstition: for such may be deemed the advice of those who recommended the inquisitorial use of the TORTURE and the Faggot, as practised by Governor Picton in Trinidad, in cases of alledged *sorcery, divination, witchcraft, the black art, and poisoning by means of CHARMS*. He is, however, by this time able to tell you, that his *Roman Catholic friends and advisers*, have brought him into a very perilous situation.

But you have imprudently stirred up the ashes of his departed friend.—*Adde cruorem stultitiæ atque ignem gladio scrutare.*—To disturb the shade of Don Christophe de Robles might have been avoided,

ed, if you had been of a temper to forego the malicious gratification of culling upon the Author of the "Account of Trinidad" to *blush* at having forgotten this *ungrateful* old man. This omission, on the part of our Author, is a proof that he was more intent upon the pursuit of his history, than upon personalities; for had personality been the "real object" of his book, he might have introduced this character with great advantage, as well as the extraordinary and interesting matter that I have laid before the Public in my correspondence with you.

I shall therefore proceed to do, what our author might have done, for the memory of Don Christophe de Robles. Nor can you, with justice, revile me afterwards for not allowing him to rest in peace, since it is you who have brought him before us.

Don Christophe De Robles, who was Contador of Trinidad, previous to Governor Chacon's government, was ordered home to Old Spain, to give an account of his conduct, his integrity being impeached. But, on taking the reins of Government, Don Chacon, from an amiable disposition to conciliatory measures, generously interfered with the Court of Spain for the accused Contador, and by his interest prevailed with the King so far to forgive Don Christophe De Robles, as that he should be only deprived of his office; and he was accordingly allowed to remain in the Colony without further molestation or disgrace: nay, he was even allowed to retire with the privilege of wearing the uniform of Contador, and some other privileges of that nature. Had Governor Chacon known, that De Robles had fomented disputes between every Governor and the Court of Spain, so as to occasion most of them to be accused, he would have done right in sending De Robles home, in his turn, to answer his accusers. For the ingratitude of De Robles towards his protector Chacon, evinced itself immediately after the Spanish Governor lost the Island. It is true, if the Governor did not do his duty in defence of his Country, it was natural for his countrymen to accuse him at the Court; but De Robles, who owed his preservation to the Governor's generosity, ought to have been the last to accuse him:—and the British Governor, in possession of the Island, ought *never* to have complained of the facility with which such a bloodless conquest added this fine territory to his Master's dominions. Such, however, was the character of Don Christophe De Robles, the "*candid*"

Catholic

Catholic adviser of Governor Picton : upon such authority he rests, in part, his defence ; and such was the *Spanish member* whom he introduced into his Majesty's Council of Trinidad !

You may now perceive, that it would have served our Author's purpose more, to have introduced De Robles, than to have forgotten him, if the object of his book had been personal ; more especially, as Don Christophe De Robles makes a distinguished figure in Colonel Picton's Address* to the Privy Council. But Don Christophe was no more, when Governor Picton attributed to him the advice which is said to be in the words of the deceased De Robles. The Governor is therefore in no danger of being contradicted by his Catholic Adviser, when he lays his sins at his Adviser's door, whom, in his Address to the Privy Council, he states to have said in the course of his advice :—" A considerable portion of your troops, if one may draw a conclusion from their conversation and conduct, are not well affected, and may be easily seduced." I ask you, what ought Governor Picton to have concluded of the character of this Catholic Adviser ? how could this Spaniard know so well (unless he had tampered with them) the conversation and conduct of the British troops ? (or unless he knew that they had been tampered with), so as to be able to assure Governor Picton satisfactorily that they were disaffected. The Right Honourable Members of the Privy Council never can have credited such insinuations ; for they knew that the Governor never brought *even* ONE of the troops so spoken of, to trial for disaffection, nor were any of the unfortunate persons, who were executed without trial, ever accused of mutiny nor treason.

But, in the same Address to the Privy Council, this Governor's *Catholic Adviser* is also made to say—" If you do not give an imposing air to your government"—" if these men do not fear you, they will despise you"—" a few acts of vigour may disconcert their plans"—" you are not shackled by forms or modes of prosecution"—" If you do substantial justice, you are only answerable to God and your conscience."—The Governor then tells the Privy Council—

* A manuscript copy of this Address was sent out to Trinidad, where it was circulated among his friends, but it found its way sometimes among his enemies, and remained long enough among them to afford them these notes from it,

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“these authorities appeared satisfactory, and I had no reason to question advice given with so much candour.”

The indulgence and moderation of that august Tribunal are constant and admirable upon every occasion ; but such outrages to truth and common sense must have required unparalleled forbearance upon this occasion.

What is to be inferred, in the conduct of this Governor, as the consequences of the advice of this *Catholic Adviser*?—why—that, therefore, Colonel Picton did give “an imposing character” to his government. That in order not to be “despised” he adopted the system of *Terror*:—and in order to “disconcert plans,” of which he never had the least proof, but the vague suggestions of this *Catholic Spy* among our troops, he performed some acts of what he calls vigour, but what would be deemed murder, if compared with the case cited by Mr. Nolan, from page 500 of Lord Hale’s Pleas of the Crown.

It is not possible that he could have credited the advice upon which he has acted. He never could believe, that in any Colony, belonging to a Christian King, a Governor could be let loose, like the ancient Mammoth of the American mountains, to be the scourge and destroyer of the people, as this *Catholic Persecutor* describes, “unshackled by any forms or modes of proceeding.”

But the Governor acknowledges, that his *Catholic Adviser* did tell him to “do substantial justice,” that he might “answer to God and his conscience.” This part of his *Catholic Friend’s* advice is the only part of it that he forgot to follow.

If he can answer to God, his Conscience, and his Country, which in the advice he received was put out of the question, then let him “put himself upon his Country” for a public trial ; for I would rather trust a British Jury with his acquittal, than his own conscience. But let him fairly meet the charges. Let not the whole be contrived to turn upon some equivocal case. The capital charges “include TWENTY-NINE cases of death, unlawfully and cruelly inflicted.” Seven of these have been substantiated upon oath before the Privy Council. And my next Letter shall give ALL the Charges, both *military* and *civil*, that have been preferred against this *protected* perpetrator of cruel deeds !

Dec. 12, 1807.

DECIUS.

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LETTER V.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

Qui sceleratus, et furiosus erit.

SIR,

HOW different is the conduct of those persons whom you have libelled in your prostituted publication, to the conduct of the Party who has purchased its prostitution.—The former made use of no means to intimidate your publisher, nor to prevent the circulation of the scurrilous fabrications contained in your Magazine, because they were the fabrications of falsehood and malice, and more properly merit legal investigation and judicial condemnation. But this terrific Governor, whom you have so vilely adulated, I find, has been stalking about among the Journalists, making a great “noise,” and, as the Editor of the SUNDAY REVIEW states, “he has been mean enough to threaten them with prosecutions, if they *dare* insert any thing respecting his conduct.”—The Public will naturally conclude from this, that his conduct will not bear investigation; or why should he be terrified at this public exposure? The more he threatens, and the more he tries to suppress the publication of his unparalleled cruelty and violation of justice, the more serious becomes the duty, which Editors have to perform to the Public, in not suffering the Liberty of the Press to be infringed in *such* a case; for it is neither a case of private scandal, nor public sedition, nor disrespect to a venerated King; but a case, in which the PEOPLE have a right to demand, that justice shall be done to the manes of their murdered fellow subjects: and, indeed, to protect officers under such charges, while the men they command are tried and punished without hesitation (and in the case of this officer, *without trial*, as well as without hesitation), is the readiest way to excite murmurs among the people, and even acts of sedition, and sentiments of disrespect for the character of the Government, and the Justice of the Country.

It appears that the Editor of the *Courier*, in particular, was driven to abandon his public duty, by a fear, which I could not have

have believed would be produced any where, but among the oppressed and terrified people of Trinidad. It is however some consolation, that the Press is not yet trodden under foot, since other Papers have preserved their character for independence; and in particular one of them, from the Office of which this furious Colonel was seen to rush forth, enraged at his ineffectual intimidations, and strongly exemplifying the description in Ovid—“*Ignem micant oculi, corpus tumet omne veneno.*”—This miserable man will have the pity and support of every man who has committed a crime; for none know so well how to commiserate his situation, as those who have felt the woeful upbraidings of conscience, and the secret dread of public accusation: but even on this score, who is there that can fully sympathize with him?—for who was ever so strongly accused, and so long suspended between accusation and punishment? Does he so much despise your advice, as not to ask you how to set about stopping the publication of the charges which were promised in my last Letter? I think if he had asked your advice, you would have told him, that the tone in which the promise was made left no hopes of any possibility of suppressing the publication, and then he would not have forgotten he was in Great Britain; for it seems, he dreams that he is still in Trinidad, where his controul over the Press was absolute: for there he used, upon the most trivial occasion, to seize HARGROVE the printer, and throw him into the common jail among the slaves, while his house was ransacked for any papers that might express dissatisfaction against the Governor's cruel and oppressive mode of government; and SULLIVAN, a poor journeyman printer, who went only to enquire after the health of his imprisoned master, was thrust into a dungeon, and there detained without crime or accusation. The British Press at Barbadoes, which was out of his reach, sometimes published and sent down to Trinidad some strong phillipics; but one of these Barbadoes newspapers, being handed about in a tavern in Trinidad, had nearly ruined the poor old woman who keeps it, for she was threatened with immediate banishment, though ignorant that the paper was in her house. And it is a fact, that though the trials and executions of the mutineers at the Nore were published in Trinidad, the trial and execution of Governor WALL (both being reported

in the same English papers, those events happening nearly to coincide) were not published in the Trinidad papers, lest they should offend Governor Picton, by producing a very unpleasant, though natural association of ideas. I could not forego these remarks, so strongly were they suggested by the opposite conduct which Colonel Picton has observed as to the liberty of the Press ; for in Trinidad he suppressed this valuable privilege, on which all our liberties depend in Great Britain ; and he would suppress it here also, and has done so as far as he could, while he has most licentiously, most maliciously, and most falsely, availed himself of that freedom of the Press, which your mercenary plan of editing has afforded him. You are, however, still at liberty to proceed for him ; and whether your prospects become bright or gloomy as you go forward, there is but little encouragement for you to look back, for the day of retribution quickly advances upon your heels, and whatever may be the consequence of your turpitude, or your temerity, you will neither derive any consolation from your own mind, nor from the world ; for you will not have sacrificed yourself to the cause of humanity, nor the good of your country, since you have done every thing in your power to oppose the common cause of bringing a public delinquent to the bar of justice, by defending a system of despotism, terror, and cruelty ; and by defaming every person who has not concurred with you and him in opinion upon such measures.

To prove that such was his system of governing, I shall subjoin the charges which I promised in my last Letter, to prevent the publication of which, his old system of terror has been exercised upon our Editor in vain, as the publication of this Letter proves very much to his honour : indeed, his public independence, and spirited perseverance in the cause of humanity and public justice, for the character of our Government, and for the honour of our nation, has no parallel but in the memorable conduct of Mr. Woodfall : and I will venture to predict, that should Colonel Picton have the *audacity* to bring our Editor before a British Jury, those Judges, before whom he dare not appear upon the charges [hereunto annexed, an unanimous verdict of acquittal will be pronounced for this Editor, who has boldly lent his public aid, to accuse the most wicked and extensive criminal, that ever

was

was screened from the exercise of the laws of our country. It is not possible that it should be otherwise! Shall a man accused of murders not even be tried? And shall another, who only publishes the accusations, though true, be punished for such truths?—It is impossible! Or otherwise, if I see a man commit a murder, and am not strong enough, or dare not to seize him, shall I be punished, if, after reporting it to official Powers in vain, I expose the murderer in the street, or in the public papers?—It is impossible! Justice has not yet left this country, nor can she depart while a Trial by Jury shall remain with us!

As Colonel Picton has industriously represented in every possible direction, that Colonel Fullarton never preferred any charges against him until a personal quarrel happened between them, it is necessary to state something briefly of the origin of Colonel Fullarton's knowledge of Colonel Picton's crimes, and the cause of their quarrel, in order to do away the *convenient* but *false* public impression of *mere* personality. It can be verified, that Colonel Fullarton made known his objections to any *retrospect* of the previous government, at the same time avowing himself to be open to every communication tending to the advancement of the prosperity of the Colony. But, *there was a quarrel*—and it did not originate over wine, nor at a dance, nor at cards, nor dice, nor a horse race; nor in an argument theological or moral, physical or metaphysical, national or political; and though such are the ordinary causes of *personal* disputes, it was none of these; and yet they quarrelled.—Then you will, in spite of all your partiality, admit, it was different from an *ordinary personal dispute*. It was then a dispute in the affairs of their government? Certainly it was: for how could two men, so opposite in their natures, govern upon the same principles? Colonel Picton, regardless of the people's love, sought to enforce obedience by means of terror, according to Don Christophe de Robles, in order that he might not be *despised*. Colonel Fullarton was of another school; he had learnt to "be merciful in punishments," to "hate cruelty," and not to apprehend danger in the shape of an old woman: but, all *this* was the cause of the quarrel. Colonel Picton had banished an old woman, as usual, without crime or trial. She returned to collect her effects, and petitioned Colonel Fullarton

Fullarton for that purpose, who allowed her only a week to do so, and depart. But this gave umbrage to Colonel Picton, and wrong messages being carried between them by the Secretary, they quarrelled; * but Colonel Picton burst out in complaints upon Colonel Fullarton's inspecting the public jail, where the first glare of Colonel Picton's cruel conduct *forced* itself upon his observation; for there it was that Wm. Paine, the executioner, presented him with his account, regularly made out, for various horrid executions; complaining that he had not been duly paid, he having received only sixteen dollars for all the shocking acts he had officially performed. Thus Colonel Fullarton became acquainted with the number and extraordinary nature of the executions, which led to the inquiry into the extraordinary causes of so many punishments. To all this add the reproachful circumstance, of Colonel Fullarton's humanity towards the miserable objects whom he found in the cells; for nothing could be more reproachful, though not intentionally so, than the distribution of small sums of money among these objects of pity, and the orders for the better care and kindness towards the meagre and pallid creatures who were found here, entombed, as it were, alive!

Let it be remembered, that this was no private visit to the jail, nor for insidious purposes; but in consequence of the representation of Mr. Adderly, the Provost Marshal appointed from England, and attended officially by the two supporters of torture, Messrs. Beggorat and Black; the former having been, and the latter being, at the time of this visitation, Alcalde of the first election. On their report, to Colonel Picton, of Colonel Fullarton's humane conduct upon this occasion, Colonel Picton became alarmed, because this very necessary, but unexpected visitation to the jail, did not afford him the opportunity of getting those objects out of sight, who had been so long hidden from the world in this West Indian Bastile; many of them detained without a knowledge of their accusers or accusations; remaining there

* Upon looking at Colonel Fullarton's printed Statement of Facts, I find that the affair of the old woman was subsequent to the visitation of the jail; so that it appears the resentment of Picton was only smothered in this instance, to break out with the more violence concerning the *alarm* he felt about the old woman.

there without trial "*until further orders*;" and thus, when nothing worse happened to them, they were neglected and forgotten, until death, occasioned by misery and disease, relieved them from their chains! Do you any longer wonder that Colonel Fullarton should quarrel, upon such principles, with such a monster?

As I have before me Colonel Fullarton's printed "Statement," which was submitted to the consideration of the Lords of his Majesty's most honourable Privy Council," I will quote from it the military charges against Colonel Picton, as I cannot state them with more precision or conciseness than they appear there.

The MILITARY CHARGES are—

First—For issuing orders after the 12th of February 1803, directing the military officers under his command, to refuse all aid and protection to the Civil Government, and to the Inhabitants.

Second—For unlawful endeavours to intimidate persons supposed capable of giving evidence or information in support of the charges exhibited against him; in particular, for employing black soldiers belonging to the 9th or 12th West India Regiments, in his Majesty's service, to seize and imprison in the common jail, Joseph Timbrel, Esq. Surgeon to the Royal Artillery, because he declined answering questions, respecting a declaration imputed to him on the subject of *Hugh Gallagher*, a soldier belonging to the Royal Artillery, who was hanged at Port of Spain in the month of May 1797, by order of Governor Picton, *without any form of trial*.

Third—For employing officers and soldiers in his Majesty's service to assist in directing or applying torture to different persons.

Fourth—For employing soldiers on his own estate, and for his own advantage, when their services were requisite in garrison, or with their corps.

Fifth—For granting to Mrs. Rosetta Smith, a woman of colour, who lived with him, a contract for supplying the soldiers barracks with wood, and other articles.

Sixth—For illegally employing soldiers to seize and eject from the estate of Orange-Grove, John Dawson, Esq.

Seventh—

Seventh—For illegally employing soldiers to eject from her own house, Mrs. Griffiths and her three daughters, and for putting Mrs. Rosetta Smith, who lived with him, in possession of Mrs. Griffiths's property, by means of military force.

Eighth—For illegally employing soldiers and others, *without any form or specification of offence*, to seize and drag to prison, and to detain in an ignominious manner, the following persons : Messrs. Higham, Redhead, Rutherford, Bradshaw, Minchin, Hargrove, Sullivan, Dubois, Savignon, D'España, Dowding, and many others. Directly violating, by military force, all forms of Civil Judicature, established by the capitulation, and granted to the Colony under his Majesty's authority.

Ninth—For violating the King's Civil Government, by issuing a proclamation on the 27th of April, 1803, declaring the First Commissioner to be no longer considered as officiating in his public situation, and by directing, as Commandant of the troops, that all military, as well as civil persons, should conduct themselves accordingly.

Tenth—For disobeying the orders of the King, dated the 23d of April, 1803, and for preparation of military force and actual resistance to his Majesty's Civil Government, and to the First Commissioner, on his return to Port of Spain, on the 6th of June, 1803, at a time when B. G. Picton held no civil authority, but still continued as Military Commandant until the 14th of June, when he was removed by order of Gen. Grinfield.

Eleventh—For numerous misrepresentations, transmitted to the Colonial Department, and to other public offices, in a manner unbecoming the character of an officer and a gentleman, with a view of attempting to repel the serious charges which had been preferred against him.

Some of the CRIMINAL CHARGES, which have been preferred against him, have been alluded to in my former Letters, for instance :

First—The case of *Hugh Gallagher*, who was hanged without any trial, by order of Governor Picton, on the 27th or 28th of May, 1797, upon the mere assertion, without oath, that he had robbed and ill-treated a negro woman. The Chief Justice Nihell, to whom this woman first complained, considered, *from*
her.

his own story, that it was so trifling and ludicrous, that he took no other notice of it (the man being a soldier also), but sent her to Colonel Picton; who, he thought, would be amused at such a complaint from a negro woman, as they are, on the contrary, the continual pests of the barracks: never imagining more could happen, than confinement to the Guard Room; but to his horror and surprise, he found, in his afternoon's walk, this untried soldier hanging from the gallows.

When this poor fellow was ordered for execution, he innocently laughed, thinking that the threat alone was to be his punishment; nor would he believe it possible that he really was to be hanged, until, upon supplicating the Governor to be heard, he was forbidden; and, upon asserting his innocence, the Governor, as formerly stated, told him "he was going to hell with a lie in his mouth," and ordered his immediate execution, to the great dismay and distress of the British merchants, and numerous other spectators. I need not repeat at length, that this poor man would have been proved innocent if he had been tried, as his comrade *Kenny*, who was one of the party when this negro woman was met by them, acknowledged, on his death-bed, the innocence of Hugh Gallagher, owning himself to be the person blameable, as far as there was any crime. It was necessary to repeat this case, more fully than formerly stated, in order to shew, that Gallagher's alledged fault was not mutiny, nor desertion, nor disobedience; and, therefore, that precipitate execution was inexcusable; and to inflict death without trial was still more so.

The case of *Jean Baptiste Richard*, was also formerly alluded to. All that was alledged against him was, that two passengers who came from the Spanish Main in his boat, but who never received any punishment, were disaffected persons. This unfortunate man was executed without trial, leaving an aged mother, a wife, and three infants to lament his unmerited fate; and to add the more poignancy to their domestic affliction, the Governor, in imitation of Colonel Kirk, conducted the crippled and aged father-in-law, upon his crutches, into the gallery of the Government House, and there feasted his piercing eyes

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upon the agonised state of this injured old man, while shewing him the husband of his daughter suspended from the gallows !

Goliath is another case of a capital nature. His death was caused, by being "cut up under the gallows," in conformity to the words of the threat of Governor Picton; as sworn before the Privy Council, by Mr. Dawson, of Liverpool, the owner of this slave, and by Mr. Dawson, Jun. The only fault alledged against this man was, that he was a *runaway*. None but the owner had a right to blame such a conduct, if it had been true: and on the contrary, the owner declares against his being a *runaway*, for that he was only on the road coming from church; and the punishment, of which he died, was not for the negro's fault, but, as stated in the words of Colonel Picton, because Mr. Dawson did not pay sixteen dollars for seizing this innocent negro, and conducting him to jail.

A fourth case is that of *Pierre Warner*. He was the slave of Francis Macnamara, Esq. and John Foulkes, owners of the Escurial Estate. No crime was alledged against this slave, but that he, also, was a *runaway*. This was also the business of the owners, and not of the Governor: but Mr. Macnamara, like Mr. Dawson, was not beloved by Colonel Picton. Without prosecution, and against the wish of Mr. Macnamara, this slave's ears were cut off, when he was shortly after seized with violent spasms, his jaws being locked, and he died in less than an hour after the operation.

Alarcon is the fifth case before the Privy Council. He was hanged by order of Governor Picton, in the Spring of 1799, for an alledged crime upon the high seas; therefore, at any rate, not within the jurisdiction of Colonel Picton, who at all events hanged him without a trial, upon the voluntary declarations, of the Captain of a vessel, made on oath, at Cariacou and Martinique; and which Captain, by his own confession, had killed and thrown overboard two of his crew, who, with Alarcon, he says, mutinied, insulted him, and got drunk.

The Captain deposes, that he left Alarcon in jail, at Cariacou, an English Island, while he went to Martinique. Now, it is clear, that a sailor could not be committed to jail in an *English* Island, but by regular process before a Magistrate; and no Magistrate

gistrate would have enlarged him, or have sent him on board again, if there had been sufficient ground, upon which to try him, for the crime alledged. His being allowed to leave the jail, by this Magistrate, was, *prima facie*, judicial evidence of the charge not being established before an *English* Tribunal: for no English Magistrate would commit, or enlarge, a prisoner at the mere desire of any man: but, after being thus sent away from Cariatou, not by any writ of *Habeas Corpus*, nor by any other legal authority, Colonel Picton, of his own will and pleasure, did what a British Magistrate would not do, he hanged Alarcon without farther trial, and only upon the declarations of the Captain, who, as before stated, had, by his own story, killed two of his seamen; and who therefore certainly had cause to apprehend the accusation of murder from Alarcon, who had threatened to charge the Captain with killing these people; but Alarcon being thus illegally executed, was effectually prevented from accusing the Captain.

The sixth case is that of a *Guyacaree Indian*, who was shot without having undergone any other trial, excepting that dreadful trial of human fortitude, which Colonel Picton knew so well how to apply—the infliction of TORTURE. The excuse, for this illegal execution, was, that the boat (of which this Indian was patron, or Captain, in the present voyage) had, in the previous voyage, when the owner was with the boat, carried away three German deserters to the Spanish Main. This Indian, therefore, knew nothing concerning the alledged crime; nor was it, at any rate, a capital offence. He was, however, put to the torture for a considerable time, and more than once; and while being tortured, his life was repeatedly offered him upon the condition that he would accuse somebody of the crime, so falsely laid to his charge. He was not only innocent himself, but also ignorant who was guilty; and though a false accusation of any body else would have saved his life, he suffered the torture to the last extremity, asserting his own innocence, and his total ignorance of the affair. No evidence did, or could, appear, to swear to any concern this man had had in the desertion of the soldiers: and yet Colonel Picton, who attended at the execution himself, finding this Captain deny all knowledge of the affair, told him, “Now I’ll make you know that you carried them
E 2 away;”

away;" and waving his hand, the unfortunate Indian was immediately shot, and directly buried under the gallows. As the Guyacaree Indians are a distinguished race, the Governor of Margarita interested himself in behalf of this poor fellow; and sent up a dispatch to a Gentleman of Trinidad, with documents to prove the innocence of the poor sufferer, by proving, that the man who was in fault had remained behind, instead of going back with the launch. But the Colonel uttered some coarse expressions against the Spanish Commandant, saying, he would hang *him also*, if he could get hold of him; and that the documents were of no consequence, since the man was already executed.

The *Seventh* case, substantiated by evidence before the Privy Council, is the case of *Celestino*, whose only crime was getting drunk: and upon *this* occasion, in his drunken state, he made a disturbance about the door, and at length staggered into the house, of an old Spanish woman, called Perez, making a noise there. To get rid of him, she applied to the Deputy Commandant to turn him out; but the drunken man being insolent, the Deputy sought for assistance; and not finding it at the Commandant's house, applied at the Barracks for some soldiers, who proceeded to the old woman's house, which, before their arrival, Celestino had left, and was found in the neighbouring house of a coloured woman. Celestino was, nevertheless, put into the stocks, from whence he was sent by the Commandant to town, with a letter to Colonel Picton, recommending him to send Celestino off the Island as a troublesome person.—The relations and associates of Celestino, well-knowing the severity of Colonel Picton, apprehended the fatal consequences; and requested the master, for whom Celestino usually worked, to go to the Governor and interfere in his behalf. This Gentleman arose from his bed, to which he was confined by sickness, mounted his horse, and proceeded to town:—the friends of Celestino anxiously hurrying thither in the mean time. But, in consequence of this Gentleman's infirmity, he was tardy in getting ready, and slow in proceeding: and having seven miles to ride, he could not travel with a rapidity equal to the promptness with which the Governor executed his sentences; for, instead of Celestino's being banished at the request of the Commandant, Colonel Picton
had

had recourse to a less troublesome mode of getting rid of him, the event being announced on the road to the horror-struck master, whose ears were assailed by the shrieks and lamentations rending the air from the returning friends of the departed Celestino, who was already hanged, and buried under the gallows,

These are the seven cases that have been substantiated upon oath, before the Right Honourable Privy Council, not by documents, but by *visa voce* evidence, which has very generally spread itself abroad.

Colonel Picton, at first, denied *all* as false and malicious. He then found that he could not support a contradiction of them; when he next resorted to the instructions of our mild and merciful Sovereign for his justification; but there also he found he could not stand. Then he attempted to justify himself by the Spanish law, but this position was equally untenable: and, lastly, he urged the *necessity* of the case: but in no one instance has he been able to justify himself on the score of *necessity*; for he has never proved, nor can he prove, a *necessity* for such violations of every principle of justice human and divine.

In addition to these cases, he is charged with the torture, mutilation, and death, of the following people, upon the absurd pretexts of *Sorcery, Divination, Witchcraft*, and the *Black Art*, and poisoning by means of *Charms*, viz. La Fortune, Aubinot, Louis Cesar, La Rose, Pierre Francois, Bouquoui, Leonard, Thisbe, Felix, Antoine, Louisson, Theoliste, Nicholas Julie, Manuel, Michel Gardon, Joseph Faustin; also for cruel severities inflicted on Benoit, Pyrame, Petit George, Serpent, Elizabeth, Rachel, detained in prison under circumstances tantamount to torture, although upon their trials; which when finished, no evidence appeared to condemn them. Besides the cases of Yalla and Youba, mentioned in my last Letter.

Fourteen German soldiers were executed in 1797, *without trial*—not for deserting, but only under the suspicion of *attempting to desert*: and if they had deserted, who could have been surprised at it? for who would willingly remain within the reach of such a Commander, that could escape from the risk of such injustice and cruelty?

One case must be added here, which was given in to the Privy Council; but only one evidence being present, nothing was done therein: another evidence arrived afterwards from Trinidad, who could prove all the facts of the case of *Present*, a Negress belonging to

to Mr. Thomas Kenny, merchant. She had been *absent* from her owner some time, but was brought in some months after the capture of the Island. The Governor being at dinner at the time, Mr. Kenny put off his application till next morning; which, however, was too late, for she was hanged at sun-rise. No complaint was made from Mr. Kenny, the owner of this unfortunate slave; and no man had a right to rob *him* of his property, or the slave of *her* life, unless she had been charged and convicted of a capital crime; *which was not the case* *.

As these cases are now before the public, I shall expatiate, in my next Letter, upon those which I have not given at length, and shall add some minor, though not less melancholy, anecdotes of his Government: nor will I neglect to make my commentaries upon the extraordinary proceedings that have been had recourse to in the various and tedious stages of this protracted business, which I trust will be no longer allowed to insult the British Public, whose feelings have been continually harrowed up for three years past by the distressing and unavailing cries for justice in this land, where, heretofore, it has been boasted, that nought was ever known but an equal protection of the laws, and equal punishments, to the rich and to the poor.—But such principles will no longer be the pride of Englishmen, if torture is to be tolerated, and murder to be masked by military “necessities!”

Dec. 17, 1807.

DECIUS.

* The twenty-nine cases of Death, unlawfully inflicted, are now made out, viz.—Seven cases proved before the Privy Council, the eighth was the case of Present; fourteen German soldiers, and seven executed for Sorcery and Witchcraft; making, altogether, 29 capital cases, *besides* those of Torture and Mutilation.

LETTER

LETTER VI.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

SIR

THE impositions which you have practised upon the Public, in your attempts to convey a conviction of the innocence of Colonel Picton, having rendered it necessary to state, at length, the true nature of his situation, by an explicit exposure of the origin, the necessity, and the criminal nature of the charges which have been preferred against him ; I have been led to go more into his case, than a mere answer to your very "*original*" criticism required ; but I do not think I have travelled out of it unwarrantably, if I have travelled out of it at all ; and at any rate, I am satisfied, that I have so far performed a public duty, in undeceiving the world, in respect of the false impression, which it has been your study, because it was your *business*, to produce. However, when I recur to the second part of your critique, upon the *Political Account of Trinidad* ; I perceive so marked a difference in its tone, from that of your critique in your September number, that it strikes me you had in the mean time received a hint not to provoke, any farther, the reply which you had a right to expect, and which you have so far received. Your criticism in the October number, therefore, scarcely merits attention, after the stronger passages in which you have so palpably, and disgracefully, exposed yourself ; for, in this last number, you endeavour to soften down the feelings of those connected with Trinidad, by pretending to coincide with them in opinion, that the principles of the British Constitution, which have so often, and so long, been violated there, ought *now* to be extended to that Island. Since you concede so much, it is not even worth the little time, and the little trouble, that would be necessary to confute the contemptible stuff you have advanced along with your concessions. But, as the advocate of Colonel Picton, you have been instructed ; and having received your brief, and your fee, you consider yourself bound to assert
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and to contradict, whatever he has directed you to assert and to contradict, without any regard to truth. Hence it is, that you impudently contradict the ordering away of Don Juan Padilla; and calculate upon being credited by the public. But since the late exposure of Colonel Picton's mental reservation upon oath, and Dr. Lynch's "scandalous and unfounded affidavit," I do not apprehend that the public are likely to be credulous enough in future to believe any of those daring assertions from them, or from you, that have been too often made upon the bold presumption, that however false, they would not be easily refuted. Hence it is, you also imprudently, and falsely assert, that the proclamation, relative to the admission of lawyers, is misquoted in respect to Mr. Gloster. But, as to *his* talents and character, you can know but little, or nothing, of them, excepting from your *coloured* coadjutor: and even Mr. Gloster would disdain to receive a character from, or to admit that his talents could by any possibility be known to *such a person*; for though they were born in the same Island; and notwithstanding whatever an illiberal and a censorious world may have unjustly said of the parentage of the one, yet the undeniable baseness of the origin of the other, as evinted by his *sable hue*, must have precluded him in those countries from all society with gentlemen, and even from the society of *white men of the most inferior class*; so that *he* cannot *with truth* have given you any means of judging, either of the talents or character of this *Crocodile* Attorney-General; nor is it of much consequence that he should be known to *you*: but a proper opportunity shall be taken of introducing a knowledge of such talents, and such a character as he does possess, to *higher*, if not to better persons than yourself.

As I am tired of your critique, however "*original*" you may think it is, upon the "Political Account of Trinidad," I shall hasten to get done with it, in order that I may be no longer "*strackled*," according to Don Christophe de Robles, "*with the forms and proceedings*" of a regular reply; though I must confess, that I have departed from such strictness, when the points, which you criticised, were of sufficient importance, to justify me in dilating upon them. I shall now, however, hurry over what remains. You notice the departure of Mr. Wood (an honourable Member of his Majesty's Council of the Bahamas), and wish to represent, that the granting him the occupancy of a lot, to induce him to stay, instead

of giving a tacit reproach to Picton by going away, was an act of "kindness and encouragement." But, though *you* cannot understand it, *I* tell you, that this did really more disgust, than conciliate, Mr. Wood : for the administration of Colonel Picton was so unconstitutional, so unprincipled, and so unpopular, that the effort to conciliate upon this occasion was so unnatural, it excited disgust, instead of conciliation ; and the event was, that the influence of such an attempt at conciliation was not successful ; for the dread of tyranny returned, and drove this settler away, and prevented many hundreds of other settlers from going to Trinidad.

You state, that persons, over whom neither prejudice, habit, nor even interest, have any influence, have opposed the establishment of the British Constitution in Trinidad, and you mention Mr. James Stephen. Who is Mr. Stephen ? He is the friend to the coloured people in the West Indies. So far he is a good man ; and therefore it is, that your coloured coadjutor, from Antigua, has prompted you to puff him off, at the expence of the liberties and privileges of your fellow-subjects in Trinidad. It is a striking incongruity, requiring explanation, that Mr. Stephen should argue in favour of enfranchising the slaves, and of disfranchising his fellow-subjects ; and equally admirable, that he should argue against cruelty in the African Society, while he will even go out of his ordinary practice to receive fees in the Court of King's Bench, to uphold the conduct of Colonel Picton, who has inflicted torture upon women and children,—who stands charged with having hanged people without trial, and with having burnt living, as well as dead, people under the pretext of witchcraft !

How can you, *even* with the aid of your coloured friend, explain such opposite lipes of conduct in the same person ? or how can your coloured assistant reconcile it to himself, to afford you his assistance, in defence of crimes, that have been committed upon a race of persons, to whom he is, *naturally*, so nearly allied ? Your tawny friend is called upon to explain for Mr. Stephen and himself. I expect you will make a great parade of protests against such personalities ; but it will avail you very little ; for professions of liberality will be presented with as bad a grace by you, as the Governor was by a Noble Lord ; since your writings are as much distinguished for their liberality, as his Lordship is for his humanity. Your com-

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plaint upon a point of this sort is truly ludicrous. You think, the "*white wash and black ball*," of our author, are "*unsparingly*" dealt out; and I suppose you think they are dealt out unjustly too. Why, indeed, if it were true, that any body, besides yourself, had dealt in "*white wash and black ball*," and in the manner you have described, I should be of opinion, that it had been wrongly distributed: for, to "*bespatter*" Governor Picton and his friends, is to send coals to Newcastle. But, I think, a little "*white wash*" would be an excellent application to your Antigonian coadjutor, if it could be so effectually applied, as to banish, from the recollection of those who knew him, what his true colour is; or, if it could even make us forget the real colour of his politics; which I doubt that we shall ever forget, while we remember the magnitude and strength of the ancient mansion from which he derives his surname. Should this Paper reach Port Glasgow, I think this passage will excite a smile, even from Captain F——rie of that place, who, I understand, has a dreadful aversion to smile ever since his voyage to Trinidad.— This person was a respectable commander of a merchant ship, and was abused by Governor Picton for delivering a letter to a friend in Trinidad, which had been committed to his charge by a friend in Glasgow; all letters being ordered to be first brought to the Governor. For this simple act, Governor Picton threatened him with the gallows, which excited a "*smile of wonder and contempt*" from the insulted, but innocent, Captain; and, in return, this called forth the rage of the Governor, who exclaimed, "*take care how you dare to smile*;" at the same time, pointing to three poor victims of his vengeance, just then hanging, he told the Captain, "*to beware lest he should increase the number.*" Of course the Captain ceased to smile, and was told by his friends, that he was in great luck that he did not also cease to live.

Such anecdotes as these prove more than volumes of arguments, that all this man's conduct was the wanton savageness of his nature. This sanguinary and cruel sportiveness of mind was evinced on almost every occasion; for besides the cases before mentioned, in which he annoyed the living Pierre Francois, by laying upon the burning faggots at his feet, the headless trunk of Bouqui; he also annoyed Thisbe, before her execution, by the presence of her husband; adding the apprehensions of his execution to the terrors of her own;

to prevent which she died, declaring his innocence ; and this poor man Felix was ordered to stand by, and see his unfortunate wife hanged, beheaded, and burnt ! La Fortune was also executed in the same manner, at the same time, after having been detained so long in jail as to be dying by inches, so that he was so weak he could not walk. This long detention in jail was greatly aggravated by the cruel mode of confinement ; for Michael Gordon, who was hanged under the same absurd pretext of sorcery, was previously *confined upon his back during six whole months in one continued posture*. Such cruel treatment, occasionally *varied* by the infliction of torture, rendered life not worth preserving ; and therefore the poor wretches willingly said, or signed, or acknowledged, any thing proposed to them, that could terminate, by execution, their long continued sufferings ; nay, did not Thisbe say, when going to meet her death, that it was “ only as a drink of water to what she had already endured ! ” It was a part of this cruel Governor’s plan, according to the advice of his Catholic friend De Robles ; to make himself dreadful lest he should “ *be despised*, ” What a despicable opinion must his friend have had of him, to induce such advice ? and how despicable must he not have been in his own opinion to adopt such advice ? But he determined to be feared, as he could not be loved ; and he therefore prolonged the sufferings of the dead, in the memories of the living, by exposing upon pikes, on the sides of the roads going from the town, the heads of the people executed.

By such means he certainly succeeded in preventing himself from being *openly despised*, while he was *avowedly dreaded* : for by his punishing these poor people for the supposed exercise of supernatural powers, the negroes were taught to believe in diabolical agency, and in his power to resist it ; and they were therefore equally afraid of him, and of the heads of these victims of his infernal policy. But, conceive to yourself the situation of the European Ladies, who used to frequent these roads for exercise necessary to preserve their health. None could venture abroad while such exhibitions lasted : and as if, with the intention, to feast his mind on such objects, at the same time that he exercised his body, this Governor constantly took his morning and evening ride where he could behold them.

Upon finishing my last letter, I adverted to the plea of necessity which he urged for the severities of his government. I ask you,

what necessity can be pleaded for such a system as this ? and if soldiers had mutinied, or private individuals HAD misconducted themselves, they ought not to have been executed without a trial. But there were no soldiers accused, nor executed for mutiny ; nor were there any negroes accused, nor executed for insurrection. How could executing such people without trial prevent desertion or mutiny ? or how could torturing women and children, and burning men and women for witchcraft, prevent mutiny and insurrection ? Would not such shameful and cruel conduct be more likely to excite mutiny among the troops, and insurrection among the negroes, than to preserve tranquillity and safety ? Governor Picton has laboured to give an impression, that much was to be dreaded from French emissaries in Trinidad ; but, the only Frenchman who he sacrificed, in order to render himself dreadful, rather than be despised, was Jean Baptiste Richard, whose trifling fault was formerly stated, and who, at the time of his execution, exclaimed—" King George did not send Governor Picton here to hang us up like dogs, but *chacun a son tour*." He might as well have hanged up Mr. Beggorat (the gentleman who advised the torturing of Louisa Calderon), because he was the brother-in-law of Jean Baptiste Olivier, who was condemned to be hanged for treason at Grenada. It is true, that if he had hanged Mr. Beggorat, as was once in his contemplation, he would have been less despised for it, though he would have been less dreaded by innocent people, than he was for hanging Richard : and yet I should have conceived such a measure, either from a desire to be loved or feared, very unjustifiable ; and, as far as I know, also as unmerited, as was the death of Richard. This plea, of the necessity for such unparalleled severities, fell to the ground, when it was proved before the Right Honourable Privy Council, that there was no mutiny in the garrison—no tumult in the town—nor any insurrection in the country : that the Courts were always open—the prisons were secure—nor was Martial Law ever declared. There was not even the shadow of excuse for the conduct he adopted, unless upon the score of the advice of Don Christophe de Robles. But, as he could not excite the love, he determined to command the fears of the inhabitants ; therefore, the only necessity, he can make out, is the necessity of being *feared*, in order to avoid being *despised*.

This hero of *The Tragedy of Trinidad* is not a well cast character :

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he is wicked; but he is not accomplished in his wickedness. When he was taking these *last words* out of the mouth of his deceased Catholic adviser, he should have taken care, to put into his mouth less exceptionable terms; such advice might tend to *induce* such a horrible mode of governing, but it did not *justify* it. The nature and consequence of such advice is a useful lesson to men in power, to keep themselves independent of those about them, who are too fond of giving advice: and it is an answer to your silly remarks concerning West India Chancellors: for, you say, there is nothing ridiculous in a soldier acting the part of a Chancellor, because the case is explained on both sides by legal advocates. You ought to have said, that, the case, even if made out right on one side, is sure to be distorted on the other; as only one can be right, and therefore the arguments of the other must be wrong; and as both endeavour to *persuade* the Chancellor, how is he to decide whose opinion he ought to take, if he be no lawyer himself? For instance, must not the arguments which Mr. Stephen is yet to deliver, in favour of torture, tend to induce a wrong decision from our Judges, if they were not lawyers, capable, as they are, of sifting his sophistications? for his arguments must be the more fatal to truth, the more he enforces them by his ingenuity—and, indeed, his client has not done wisely in choosing a man, to advocate his cause, who, in his heart, abhors the cruelty of his conduct.

You say, as to West India Chancellors, that an honest man of good understanding can easily distinguish right from wrong. If we take Colonel Picton as an example, your argument is unsuccessful; if we take yourself, it is equally so; for that he has done wrong in his government is proved in too many instances; and that you have done wrong, in asserting what he has done to be right, is also evident. What are you both, then, who have so badly distinguished between right and wrong? Do you pretend to be "*honest men with good understandings*," or honest men *without* good understandings; or have you good understandings without honesty? As to yourself, you cannot pretend to much understanding, if you believe in the necessity for the exercise of his cruelties; nor can you pretend to much honesty, if you defend them, not believing in the necessity that he pleads.

But however he may persuade, or you may be foolish enough to believe

believe in the necessity for such an unprecedented mode of governing under the British flag, it is fortunate for the Colony of Trinidad, gratifying to the Sidmouth Administration, and highly honourable to the character of Colonel Fullarton, that he could neither be betrayed, nor forced, into a participation of such measures; for it was not enough, that Colonel Fullarton had no intention towards, and would not encourage a retrospect; more was evidently required of him, to preserve peace with Colonel Picton, than Colonel Fullarton could, or would, sacrifice; for it certainly never was in Colonel Fullarton's prospective plan, to allow people to be banished without cause assigned, imprisoned without specification of offence, and hanged without trial; and as this mode of governing would have been a tacit reproach to the preceding "*mildness*" with which, according to your opinion, Colonel Picton *tempered* Spanish severity with *British mercy*! the Governor anticipated the reproach of humanity; and by his consequent outrageous conduct, made it necessary that Colonel Fullarton should resist Colonel Picton's modes of governing; and, therefore, he specified the measures in which he was determined not to participate, nor to permit to be continued. But Colonel Picton was not secretly accused. The charges against him were not privately sent home. Colonel Fullarton openly read the charges against him in his presence, and before the Council of the Island. What is the conduct of officers when charges are preferred against them? Do they not demand a trial? But has not Colonel Picton continually resorted to every means, honourable or dishonourable, just or unjust, to avoid a trial? and has he not, with the aid of such friends as yourself, privately traduced, and publicly libelled, every person connected with the Island, who he knew to be adverse to his obnoxious conduct? thereby expecting to deter the quiet, the cautious, and the timid, depending for the rest upon his daring defamations, and wicked fabrications. As one instance of the latter, I need give no other proof than his endeavouring to get Col. Fullarton recalled from Trinidad, by falsely stating in an official letter, that Colonel Fullarton was in state of *positive insanity*; and if a respectable Gentleman, officially intrusted with Colonel Fullarton's dispatches, had not at this moment so opportunely arrived, this base falsehood would have answered the purpose; for Colonel Fullarton would have been ordered to be sent home, as "the Ministers, unsuspec

unsuspecting that party spirit could possibly be carried so far, had named a person to succeed" him ; and the Messenger who took the letter to the King, advising him to name the successor, was only stopped at Buckingham-house *." Fortunately for the people of Trinidad, this daring wickedness was defeated ; and, in the mean time, Colonel Picton was ordered by General Grinfield to leave the Island, which he took care to effect secretly, and in the dead of the night.

The secrecy and promptness of his departure were consistent with the secrecy of his cruel motives, and the promptness with which he executed them. You notice this event with that "*convenient ambiguity*" which you so readily attribute to others : but in speaking of the two addresses to Colonel Picton, and Colonel Fullarton, you carefully omit to state the different degrees of their popularity in the Island, as evinced by Colonel Fullarton's address being signed by more than four times the number of British subjects that subscribed to the address for Colonel Picton, besides the long list of foreigners and free coloured people.

You have complained of "*convenient ambiguities*" in several of your discussions upon this subject, and upon occasions, when, what appeared to you to be ambiguous, or what you pretended was so, was nothing more than a backwardness, to enter, too early, and too fully, into arguments, upon facts, that were *expected* to come under judicial investigation ; but you are now bereft of every opportunity to complain of ambiguity, in the statements and arguments that I have laid before the public ; for you must acknowledge that I have been plain and explicit enough.—You say, that you give "*a decided preference to appeals to the public through the medium of the Press.*" So shall I, whenever the politics of a Cabinet may shut me out from the justice of the Courts.—And you shall find, that I also "*value the Freedom of the Press too highly to sacrifice it to the dread of personal inconvenience.*" But Colonel Picton is neither of your opinion, nor of mine ; for he has tried to suppress the Liberty of the Press in England, as he did in Trinidad ; and he is as averse to go to trial himself, as he was to afford a trial to those who he

* These are the very words of the communication made to Colonel Fullarton by the abovementioned official gentleman, dated 19th May, 1803; of which Colonel Fullarton made no secret to the astonished Colony.

so illegally executed. You have also found, that our Editor values the Liberty of the Press as highly as you do, and dreads as little any personal inconvenience. He feels with exultation that he is not in Trinidad ;—and he knows that British Jurymen will not forget how to calculate the value of the Liberty of the Press, while they remember, that upon the protection of the Press, and the preservation of the Trial by Jury, all their other Liberties depend.

DEC. 25, 1837.

DECIUS.

LETTER VII.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

SIR,

I MIGHT now close my account with you, on the part of the Author of the “ Political Account of Trinidad,” leaving you the consolation of calculating the advantages which you may derive from the nudity of the new situation in which you, and the group with whom you have associated yourself, now appear to the Public. But as, in defence of my friend, I have, in some measure, also performed a public duty, by exposing a system of despotism, cruelty, and injustice, unparalleled on the records of British Government, and in the annals of British history ; and, of which, as a system that is disgraceful to human nature, you have endeavoured to excite the public disbelief ; I shall, therefore, endeavour to complete the performance of the public duty, upon which I have so far entered ; and shall keep up my correspondence with you, in order to take an occasional retrospect at those numbers of your Review, which you have disgraced with remarks, that you were obliged to go out of your way to introduce, under the title of the “ Pictonian Prosecution ;” although no publication, under such a title, was ever given to the public, or to you, which sufficiently proves the officiousness or venality of your interference. I shall also continue my address to you, from a hope arising out of the concluding paragraph

graph of your September number, which is indeed but a faint hope, that you may yet be brought to a sense of your former faults.

In my last Letter I requested to know, whether you pretend to honesty and good understanding, or to either of them, and to which of the two? This paragraph of your Review looks like a pretence to both, and perhaps it is a step towards *your* recantation. But this passage is now before the public. The part you have already acted, in what you have called the "Pictonian Prosecution," is now public enough. What you may do hereafter will be strictly noticed, and freely commented upon; and the public will be enabled to appreciate your honesty and your understanding. The "*difficulty*" and "*painfulness*" of your task, upon this occasion, every one will concede to you, who knows how much falsehood you had to varnish, and how many crimes you had to cover. If it be true, that you mean in future to be "*actuated solely by a love of truth*," you must not merely "*disclaim*," but you must *prove*, that you have "*no spurious motives*;" and either perform your promise of self-correction, or subject yourself to the continued "*reproach of a wilful disregard to truth*." If you had not professed to be well informed in the affairs of the government of Trinidad, "*from papers and documents*," some excuse might have been made for you on the score of ignorance; and, indeed, even now, some excuse may still be made, though it must be at the expence of the little understanding you so greatly value; for you know, that you did not obtain any "*papers and documents*" from Col. Fullarton, and that all the "*papers and documents*," which you have seen, were obtained from Col. Picton and his party; and therefore you have condemned your pretensions to impartiality by deciding upon such *ex parte* evidence. It was no proof of your honesty, nor of your good understanding, to decide upon such principles; nor of your knowledge of mankind, to expect, that all the world, upon hearing only one side of the question, would go along with you to believe, that Colonel Fullarton is wicked, against whom *not one* charge is preferred, and that Colonel Picton is innocent, against whom so many horrid charges have been *proved* by double their number of witnesses.

But "*from whatever cause it may have arisen*," that you have performed your task with such palpable partiality, you have now no pretext for such decisions in future; for you now know *something*,

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and you shall know still *more*, of the black side of Colonel Picton's conduct. Among all the "*various papers and documents put in your possession in the Pictonian Prosecution*," he was never able to furnish you with one single proof of any danger, from within, or from without, that threatened, in the least degree, or at any time, the tranquillity and the safety of the colony; and yet it is pretended by his supporters, that he *preserved the Colony!* and that the Government and the country owe him much on that score. But this is all a false fabrication, contrived to impose upon his Majesty and the public. He neither preserved the colony against internal nor external danger—There never was any danger—for there never was an enemy; and if there had been any enemies, his cruel conduct was more calculated to encrease their number, by exciting desertions and internal conspiracies, than to preserve the colony: and the only means of defence devised during his government, and partly executed at a great expence, was a proof, that he knew better how to contrive instruments of torture, and cruel executions, than to construct fortifications, or to execute plans for the defence of the Island. He caused a tower to be erected above the town, and he called it, in honour of the country that had the *disgrace* of his birth, *St. David's Tower!* In truth, he would have done less harm to the colony, and more honour to St. David, if he had planted a garden of leeks there: for this tower, which was intended by him as a tower of defence, will certainly be the means of destroying the town, whenever an enemy shall attack the Island, if St. David's Tower be not demolished in the mean time, as it ought to be, for the safety of the colony.

When the French fleet threatened the Island, *since his nocturnal flight*, the present commanding officer abandoned this tower as untenable, and was obliged to remove all the ammunition from the magazine below; for this tower immediately commands the magazine, and if gained by the enemy, from the land side, of course the magazine would be lost with it; and nothing could be easier, as this tower is also commanded by higher ground. Upon this elevation also, the foundation of another tower was laid; but this was found to be *also* commanded, and therefore the foundation of a *third* was begun; but *that was also* commanded: and so badly chosen was this place for the purpose of fortification, that the positions were so commanded by one height above another, to such a distance, as rendered

rendered a perfect line of fortification impossible to be accomplished ; and, therefore, this plan of fortification was, at last, totally relinquished as impracticable : so that the first tower which this dreadful Colonel ever erected is now abandoned to St. David, and the wild rhonkies, who will remain in quiet possession of this disgraceful monument of his military ignorance, until an enemy shall obtain it, who will consequently be enabled thereby to drive the inhabitants from the town ! This was the only attempt he ever made to preserve the Island from an enemy, who, fortunately for the colony, never appeared, nor ever threatened an invasion, notwithstanding all the motives there were to a revengeful attack from the Spanish Main, as well as an insurrection in the Island : for instead of preserving the Island, it has often been a matter of astonishment, that his cruelties did not rouse the people to rise upon him ; and no one can deny, that in such an event, if he took care to preserve himself while the troops quelled the insurrection, he would *then* have been able to say, that the Island had been in danger, though he were the cause of it ; and that the Island was preserved during his government ; though to *his mode of governing* the loss of the Island would justly have been attributable, if such an event had happened. But no such opportunity, for claiming the merit of preserving the Island, could be brought about by all his ingenuity, added to his cruelty : in truth, his plan was too cruel to succeed, even upon his own principles ; for his conduct was so unnaturally dreadful, that the spirits of the people were completely broken. Do you call this his *meritorious* preservation of the Island ? He would have rejoiced in subduing a foe, though raised by his own plans, rather than not to have had such a pretext for being called the *preserver* of the colony. He certainly gave every opportunity, if the people had been disposed, for insurrection ; for, on the 12th of February 1803, he issued orders, to the military officers under his command, to refuse all aid and protection to the civil government, and to the inhabitants. This was certainly affording an opportunity for tumult and disorder ; and had any mischief occurred, he would, no doubt, have stepped in, after the country had become *sufficiently* endangered, and, with military force at his command, he might have *saved* the colony, so as to give even *such a false colour* to his *preserving* pretensions.

His conduct towards the Spaniards on the Main was equally cal-

culated to excite a revengeful attack, and to interrupt, and prevent that commercial intercourse, which it ought rather to have been his study to promote. The people on the Spanish Main were more willing to trade with Trinidad, than to annoy the trade, or disturb the tranquillity, of that Island : but Governor Picton, forgetful of the true interests of his country, and regardless of the national character also, sacrificed every thing to the plan of rendering himself *dreadful, in order not to be despised* ; and therefore he extended his cruelties, even beyond the limits of his government ; and, as he foolishly boasted in his address to the Privy Council, he “ *carried alarm into the heart of Spanish South America !* ” Yet he pretends that this was the means of preserving the colony, instead of preserving it by keeping up a friendly understanding with the peacefully disposed neighbouring settlements ; or by encouraging a liberal commercial intercourse, and thereby rendering the cession of Trinidad a source of wealth, instead of alarm, to the opposite shores. He tells the Privy Council, that he sent such an alarm into the very heart of the Continent, that the Spanish Commandant offered 20,000 dollars for his head ; thus, by his own account, proving, that his dreadful conduct induced a reward to be offered to those who would attack the Island, and bring off his head. Which, then, are we to believe ; that such a conduct tended more to preserve the Island or to endanger it ? It is “ *burning day-light* ” to argue the question.—Did the *execution* of the *Spaniard*, called Alarcón, for a crime alledged to be committed on the high seas, tend to preserve the Island ? Must not the *torturing* of the Spanish sailors of a *trading launch*, and the *execution* of the *innocent* *Gayacaree* Indian, excite revenge in the continental neighbourhood, destroy their confidence in the Trinidad Government, and prevent the commercial intercourse, which it had been the object of the British Government to promote, by an order of Council made for that purpose ? But, as though he were desirous to leave no doubt of his having produced effects so contrary to what he ought to have produced, he avows, that he “ *carried alarm into the very heart of Spanish South America* ; and, *it is true*, that he at least did his utmost to produce such an effect, upon various occasions ; for, in addition to his illegal severities in the Island, he extended them to places where there were no apprehensions of his power.

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Upon one occasion he confiscated a cargo of cattle from Augustura, consigned by one *Pinatelli* of that place, to *Monsieur Lazarre* in Trinidad; which confiscation was contrary to the instructions of Mr. Dundas, dated 8th April 1797. Upon other occasions, he sent armed vessels and forces, to commit depredations upon the Spanish Main. Thus, when his mind could not devise mischief at home, his active disposition contrived cruelties abroad. He pretended, that bad subjects had left the Island, and had settled upon the continent. If this were true, he ought to have rejoiced at getting rid of them, instead of desiring to bring them back; but that was not accordant to his disposition; they had escaped his power, without feeling his vengeance: and the tacit reproach to his mode of governing, by preferring to live even under a Spanish government, was a crime, in his catalogue, to be marked by his severest resentment. He, therefore sent an armed force to the peaceable settlement which some coloured people had been allowed to make on the shore of the Continent. The male inhabitants fled up into the country, upon the two English schooners anchoring near their habitations, and they carried with them, as himself declares, "alarm into the very heart of Spanish South America." But that was not all the evil of this unjustifiable expedition. The poor females, among whom was a *Madame Delzin*, together with the children, were dragged from their habitations, to glut the revéngé of the disappointed Governor; who, it was expected, would be furious at the escape of the unhappy husbands and fathers of these helpless and innocent prisoners.—But a merciful Providence prevented the exercise of those tortures, and cruelties, to which these defenceless victims were doomed, if they had arrived; for, as it has been well described elsewhere, "they were put on board an insufficient vessel, and perished in a gulph, where hurricanes were never known!"—Equally unjustifiable, and equally irritating to our Spanish neighbours, was his conduct towards *Estevan Dubois*, a Spanish planter, on another part of the Continent. This gentleman remonstrated with two sailors of an English privateer, who had pursued, to the shore, a Spaniard who had escaped from the privateer by swimming, after having been forced on board, at Trinidad, to pilot the privateer on a predatory expedition against his own countrymen. The remonstrance had its effect upon his pursuers, who relinquished their unjust pretensions.

sions to this man : but, on hearing the story, Governor Picton sent a sufficient force to seize *Dubois*, the Spanish planter, who, after being dragged from his house to the vessel, whence he had the cruel mortification of seeing his house and plantation in flames, was conveyed to Trinidad, and there he was imprisoned during one year eight months and seventeen days ; at the end of which period, instead of being allowed to return to recultivate his land, and to retrieve his unmerited losses, he was put on board an English vessel, from whence he made his escape, but has never yet received any redress.

Such were the means by which he contrived to send “ alarm into the very heart of Spanish South America ! ” — But, I ask, were these measures calculated to preserve the Island of Trinidad ? or was it not rather very natural, that 20,000 dollars should be offered to those who would attack the Island, and bring away the head of this British tyrant ? who could not be satisfied with the cruelties he exercised within his own government, but extended them to the peaceful districts on the neighbouring coasts. What pretensions, then, has this man to be considered as the saviour of the Island ? It is the most false fabrication that ever was imposed upon a King, or that ever was played off upon the credulity of Ministers ; and it must be for ever deemed so, until this Governor can bring forward a well specified case, proving, beyond doubt, the danger of the Island while under his government, and the proper steps he took to defend and preserve the colony.

But, something more specific than the gallimaufry of declamation, abuse, and adulation, which he presented in his address to Ministers, will be required by the public, who will be found less credulous than Ministers were, and more indignantly susceptible of the insulting audacity with which such chicanery was accompanied. And if it were possible to make out such a case, which I assert it is not, yet, even then, no dangers of the Island can warrant the exercise of illegal severity, in cases of women and children, and of pretended witches and sorcerers, and all the other cases, neither connected with mutiny, insurrection, nor invasion. No ! he never was the saviour of the Island, but he certainly was the DESTROYER of the innocent and defenceless people. But the alarm which he boasts to have sent “ into the very heart of Spanish South America ” has produced its natural effects

effects in the *resistance* of the Spaniards, though they could not be induced to engage in hostile expeditions from their peaceful continent. The repetition and obstinancy of such resistance was predicted in the postscript of Colonel Fullarton's Letter to Wm. Fawkener, Esq. Clerk of the Privy Council, dated 26th of January 1806, which runs as follows :

" I trust it will not appear a deviation from the subject of this address to solicit your instructions, whether it is intended to hold forth to other conquered colonies the blessings of British Government, as exemplified in TRINIDAD, in the manner promised by General Beresford to the inhabitants of Buenos Ayres.

" In that case it will hardly require a prophetic spirit to predict, that the *promise* of these blessings will produce the same spirit of resistance in all similar instances.

" It may be proper to remark, that the ship *Nuestra Señora Del Carmen*, arrived in Trinidad from Rio de la Plata in great distress, in the month of March, 1803, during my absence from the Port of Spain, while employed in the survey of the Island. The Captain of this vessel received extremely harsh treatment from the Junior Commissioner ; * and the accounts which the officers and men received of the blessings of British Government as enjoyed in that Island, were carried back to the Rio de la Plata, and could not fail to excite the unfavourable sentiments of the natives towards the English, in the same manner as the recital of the acts of British Government, in Trinidad, has long ago become the theme of reprobation in the Court Gazette of Madrid, and in all the sea-ports of the Spanish Monarchy."

It is evident enough, from these facts, that the resistance in the first instance, and the obstinate repetition of it, on the attack by General Whitelock, is in a proper degree attributable to the unhappy affairs of Trinidad, while under the government of Colonel Picton ; and I know that it is already a subject of much significant conversation, that Colonel Picton has not been sent to trial for the numerous and serious charges so long preferred against him ; while General Whitelock, on the contrary, is at

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* Colonel Picton.

once ordered to a Court Martial. Upon such comparisons being made, the partisans of Colonel Picton are ready with the convenient, though false remark, that the difference in the two cases is, that General Whitelock *lost a colony*, but Colonel Picton *preserved one*. When I hear this false statement made I lose all patience, as I know that his conduct was the reverse of every principle of preservation; and that if the Island was miraculously preserved, it was preserved only by a kind Providence, *from the extreme evils of his bad government*, and not from such enemies as General Whitelock had to encounter, and for whose desperate resistance General Whitelock is not a little indebted to the *dread* of English Government, which Colonel Picton professes to have sent "*into the very heart of Spanish South America.*" Such a false comparison, in these cases, cannot be again made, now that the Public are undeceived as to the *safe* situation of the colony of Trinidad, as far as relates to *any other enemy* than Colonel Picton and his Catholic advisers; for, truly, they were the only enemies that ever disturbed the peace, and injured the prosperity of that truly loyal colony.

Let those who are within the reach of Colonel Picton's plausible persuasions, be on their guard how they credit *his* contradiction of the circumstantial statements which I have laid before the Public, with every exactitude that the distance of time and place renders possible. His unqualified denial of facts, and his pretensions to invalidate, by defamation, the evidence so supported by documents, and so perseveringly brought forward by his accusers, will avail him nothing, while he continues to *shuffle* and *shift* from public investigation. The Public will no longer be satisfied with those *secret* inquiries before Ministers, which ought to be made in our public Courts of Justice, where neither ministerial influence, nor political corruption, can screen the delinquent from the due exercise of the law; and that such *private* inquiries are injurious to public justice, and to the national character, there never was a stronger proof than in the case before us. But how should it be otherwise, when politicians form a Court of Inquiry, instead of the legal judges of the country? Politicians, who are drawing different ways from the
same

same motive—the desire *to obtain*, and *to hold*, the reins of Government. Ought the scales of justice, also, to be held in such hands? the hands of men, who, while basking in the sunshine of Royal favour, forget, in their prosperity, the sufferings of their fellow-subjects; and who, at other times, freezing under the frowns of legal displeasure, would sacrifice any thing to be restored to the Royal presence; regardless whether the sacrifice is to be made in constitutional principle, or in common justice to the people.

Upon what grounds have we any reason to expect justice from the hands of politicians? Why should ministers be anxious to bear the burthen of such responsibility, when there are established tribunals before which criminals ought to be arraigned? It was the cause of most of Colonel Picton's faults, that he took upon himself to decide, when there was a Chief Judge, to whom the accused ought to have been turned over: and shall it be a ground of popular complaint in this country also, that men accused of crimes are not all, alike, arraigned before the same sufficient tribunals? If the accused be innocent, Ministers need not be uneasy about his going to trial; for they know, that he will not be punished if he do not deserve it: and if they know that he does deserve punishment, how can they answer to their country in not sending him to the ordinary sources of justice, that it may be dealt out to him according to his deserts?—Well may the world exclaim, “this man is astonishingly protected”—“we cannot understand it.” It is, indeed true, Mr. Editor, that it does appear inexplicable; but the accused himself, in his imprudent intemperance, and sometimes in the intoxication of his vanity, has given hints which may explain such extraordinary proceedings: and yet I am unwilling to believe even the exposures of his inadvertency; for he has lost all credit in my mind, and I should suppose in the public mind too, since his “*mental reservation upon oath*,” and his villainous charge of insanity, in order to get Colonel Fullarton turned out of his commission. But, if the public are not yet satisfied of his habitual falsehood, because only *one* or *two* instances have been exposed, I will lay before the world *another* instance, *upon oath also*, in which his falsehood is proved, not by inference, but by the affirmative and the negative of a fact being both contained in one and the same affidavit!

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“Extract

"Extract from Council Minute of the 14th of May, 1805."

"Mr. Sullivan attending in his place, was, at his desire, sworn."

"He was then asked what observations he had to offer upon the subject of the said letter, and stated," * * * *

(I need not repeat Mr. Sullivan's contradiction of Dr. Lynch's letter, as it has been since publicly contradicted on oath: But several questions were put by the Earl of Buckinghamshire and the Lord Chancellor, and were answered by Mr. Sullivan; and after much contumelious declamation from Colonel Picton):—the Earl of Buckinghamshire "declared his readiness to be examined on oath as to his conduct in any proceeding with reference to Colonel Picton, and to answer any question Colonel Picton wished to put to him.

"Colonel Picton declared, that he had no question to ask his Lordship, and that he did not mean by those expressions to point at Lord Buckinghamshire. That he had in truth, and in consequence of the communication made by Dr. Lynch, pointed at Mr. Sullivan; *but that he was now perfectly satisfied with what Mr. Sullivan had stated.*"

Now, Mr. Editor, however much we had cause to impeach Colonel Picton's veracity, I do not suppose you will doubt the verity of the Minutes of the Privy Council, which I have given as above, *verbatim et literatim*. Judge then of the unblushing falsehood of your pretended *Saviour* of Trinidad; and at the unpardonable folly of the professional man, who suffered Colonel Picton to make an affidavit, which, from the contradictions it contains, could not be used in the cause which it was made to support.

"In the King's Bench. The King in the prosecution of the Right Hon. John Sullivan against Edward Alured Draper, Esquire."

"Thomas Picton, of Edward-street, &c. Esquire," &c.—
"He this Deponent was asked by the Right Hon. Lord Chancellor Eldon, whether this Deponent was satisfied with the examination of the said Prosecutor."—"And this Deponent further saith, that he this Deponent *did not* express dissatisfaction, but *bowed assent* (thanking the Board, &c.)—"And this Deponent

ment further saith, that *so far from being satisfied* therewith, he this Deponent, immediately after he withdrew from the said Board, expressed his belief to Mr. Faulkener, (&c.) to the contrary."—
 "And this Deponent lastly saith, that *he never did, either directly or indirectly, express himself satisfied* with any explanation offered by the said Prosecutor, *nor was this Deponent ever so satisfied.*"

You may now reflect, but with little comfort, upon what sort of an authority you, and others, have been calumniating and libelling Mr. Sullivan, Colonel Fullarton, and the other persons who Colonel Picton has instructed you to defame. Here is a man asked by the Lord Chancellor whether he is satisfied. He declares on his oath, in the King's Bench, that he "*did not express dissatisfaction, but bowed assent.*" While on the minutes of the Right Hon. Board of Council, it is written, "*that he was perfectly satisfied;*" and yet he has the audacity to swear in the same affidavit, that he never expressed himself "*so satisfied,*" either "*directly or indirectly!*" Who can believe such a man in future? who will believe his mere assertion, that *he was the Saviour of Trinidad?* who will believe his assertion, that there was any necessity for the horrid cruelties he committed there? What must the Right Hon. Members of the Privy Council, and especially my Lord Eldon, who put the question, think of a man who swears that he *bowed assent*, but never meant it; and conducted himself with such shameless duplicity towards this Right Honourable Assembly, as to produce a minute of his *satisfaction* to be entered upon the records, and then afterwards swears, that *he never did, either directly or indirectly, express himself so satisfied!*

If Ministers believe this man in future, we must believe, that extreme credulity is inseparable from political Administration; and if such an insult to the truth and dignity of such a Right Honourable Tribunal is not to be punished, we must also conclude, that political cowardice is as necessary to the quiet management of public affairs, as a tranquil disposition, in a lady, is to the good government of domestic concerns.

DECIUS,

JAN. 1, 1808.

LETTER VIII.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

SIR,

WHEN reference is made to your Review of last February, and the expressions of the note to the 182d and 183d pages are compared with the indisputable proofs of the *ungentleman-like and unofficer-like* conduct of Colonel Picton, added to the *falsehoods and criminality* which I have laid before the Public in my former Letters, it becomes difficult to apply appropriate terms of reproach to your *vile* adulation of him, and your wholly *unmerited* and *scurrilous* abuse of Colonel Fullarton.

Those who have read the preceding Letters, must *laugh* in *contempt* of you, on reading the following quotation. After stating a glaring untruth, (that Colonel Picton's innocence has been proclaimed and approved of by his Majesty) you state, that Colonel Picton is "as *brave* and as *skilful* an officer as *any* in his Majesty's service; one who has *secured* the *applause* and *esteem* of some of the highest ornaments of his profession; a man, with a *richly endowed* and *highly-cultivated* mind; of most enlarged and *honourable* sentiments; of *mild* and *gentlemanly* manners; ardent in his pursuits; firm and resolute in the discharge of his duty; but *humane, charitable, generous, and good* !!! Such is the man whom Mr. William Fullarton has dared, in his various memorials, to brand as a *murderer*, as an *enemy* to the *human race* !!! Let this *self-sufficient* and *foul-mouthed* Scot learn, from one who espoused the cause of his opponent *solely from a regard to truth*, and from a sense of *justice*, that while he would *glory* in the *name, character, and qualities* of Thomas Picton, not the wealth of Ireland, nor even that of India, could induce him to take those of William Fullarton."

Let me ask which of the *Anti-Jacobin* Editors it is who thus expresses himself? If it be his *Worship*, he is rightly associated with his *Antigonian* friend: but if it be this *tawny man of Y—k*
himself,

himself; it is truly ridiculous to hear him talk of *glorying* in the name and character even of Colonel Picton, or of any man who has a name and character, however bad they may be. The name, character, and qualities of Colonel Fullarton would indeed ill befit such a mongrel: but, certainly, the *real* qualities and conduct of Colonel Picton would have been more befitting this man of Y—k than himself. He, who cannot possibly be known to be the son of any white man, because he is not white; and yet would disclaim a negro father, because he is not black;—this man, who never had a right to any real name, and who now glories in one, that he has assumed only from a disgraceful event—that HE should boast how much he would “glory in the name, character, and qualities of Thomas Picton; and that neither the wealth of Ireland, nor India, could induce him to take those of William Fullarton,” is so shocking to all decency and decorum, that it must excite the reprobation, and the contempt, of every honourable and respectable family in the United Kingdoms.

If it were my intention to burlesque Colonel Picton, I would write what you have seriously written in his favour. But let us run over again the qualities and character that are attached to the name of Thomas Picton, as they now appear in the *Anti-Jacobin* and *Sunday Reviews*. That he is “a brave and skilful Officer.” How brave he is, was proved by the alarm he felt at the presence of the old woman called Duval:—and by sending, instead of going to carry, “alarm into the heart of Spanish South America;” and by surprising, and carrying off, Monsieur Dubois, Madame Delzin, and other women, with their helpless children, instead of making a conquest of ANGUSTURA, which might have been as easily accomplished.—Whether he was also as “skilful as any Officer in his Majesty’s service” is ascertained, by his plan of building towers in honour of St. David; as well as by the unmilitary manner in which he received General Grinfield, on landing in Trinidad.—He may have obtained, by *deceptive* means, the temporary “applause and esteem” of some high officers; but he will find that he has not “secured” them; for the veil is torn off, and those who are “ornaments to his profession,” must tremble for the character of the profession, if it can be supported only by such means as this man has had recourse to.—You give him a “richly endow-

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ed and highly cultivated mind." Was this state of mind proved by admitting the possibility of *witchcraft and sorcery*? Shall we give, as proofs of his "*honourable sentiments*," the trick of alledging insanity against Colonel Fullarton?—the act of turning the widow Griffiths and her three daughters out of their *own house*, in order to put his mulatto woman into it?—his bribing, through this woman's means, mulatto spies in most of the families in Trinidad, and especially those who disliked him?—His *nocturnal flight*, when he became so outrageous, that General Grinfield ordered him off the Island?—His "*mental reservation*" in an affidavit, to prevent my Lord Ellenborough from sending a mandamus, as he intended, to Chief Justice Nihel? and his *duplicity* before the Privy Council, as proved in my last letter, by his affidavit, containing at once the affirmative and negative of the same fact?—The "*gentlemanly manners*" which you attribute to him, were exhibited in shewing to old Mr. Moss his son-in-law hanging to the gallows—and in telling poor Gallagher he was "going to hell with a lie in his mouth:"—and most particularly in abusing Chief Justice Nihel, when he called him a "*pusillanimous reptile*," because he would not sanction the hanging of a man without a trial. But his "*mildness*" was very conspicuous in not hanging Captain F—rie, formerly mentioned, who "*dared to smile*" when only threatened with the gallows. He certainly was "*firm and resolute*" in what he called "*his duty*," i. e. in hanging people without trial, and burning people alive. *Malarum rerum audacia fortitudo vocatur!* He was as neglectful of what really was his duty; for he so seldom manœuvred his troops, that from not knowing even *his voice*, they fell into confusion, and irregularity, when he gave the word of command to them. You finish your high eulogy of him, by asserting, that he was "*humane, charitable, generous, and good!*" Your readers, and mine, are now better able to judge of his humanity, since I have laid before them the crimes with which he is charged. He was very "*charitable*" to those against whom strong truths were told; and he was very "*generous*" to all who enlisted under his blood-stained banners. But to whom could he be truly good, in whom there was no moral good!—You may well exclaim with all your emphasis—"Such is the man whom Mr. Fullarton has *dared*, in his various memorials, to brand as a murderer, as an enemy to the human race!!!"—

And

And I will add my exclamation—such is the man, who to the disgrace of our country—in defiance of justice, and to the discountenancing of all virtue, moral and religious, is allowed to stalk about in open day—bullies the Printers for publishing his crimes—blackguards the characters of all who accuse him, or who are called in evidence; and boasts of the means that he possesses of intimidating Ministers!

But, I forgot: you add he was “*ardent in his pursuits*.”—He was so, but it was in the “*pursuit*” of wealth; and yet his friends boast that he was not mercenary.

Horace exposes this *stale* trick, of pretensions to *many* virtues on account of the absence of *one* vice—

Non es avarus; abi, Quid? cetera jam simul isto

Cum vitio fugere? —————

Quid te exempta juvat spinis de pluribus una?

But I will shew, that this *thorn* was as deep in his side as all the rest. He was only a Major when he went to Trinidad: *let him shew* in what consisted his riches at that time. He was in that Island about six years. The first four years he only had the pay of about 320*l.* per annum, as Lieutenant-Colonel, with the usual allowances; from 1801 to June 1803, he had additional two pounds a day as a Brigadier, from the same period to the arrival of the Commission in January, 1803, his salary was at the rate of about 3,000*l.* per annum, as Civil Governor; and for three months he was entitled to about 500*l.* as Second Commissioner. Now, all this amounts to but a trifle, considering the expence at which it must be calculated he lived, in the high situation he had to support. How then does he explain this fact? that when he left the Island he was in possession of property valued at from eighty to one hundred thousand pounds! Can it be explained by *Rosette's* contracts for serving the garrison with certain articles? or by such confiscations as the cargo from *Angustura* to Monsieur *Lazarre*?—or by buying negroes at a cheap rate from the jail?—or by such facts as are related of his taking money out of Mr. *McBurnie's* hands, as the *guardian* of *minors*! and employing on his estate fifteen slaves of this said minor, called *Savignon*; who, when he came from *Granada*, being of age, to claim his money and slaves, was abused by this Governor; was old he was an impostor;

postor; but on proving that he was the identical *Savignon*, was then accused of being a Brigand, thrown into jail, and thus kept out of his property?—can such an accumulation of wealth be otherwise explained, than by such cases as these?—to which may be added, the case of that *immense* heap of stones, which being quarried at the public expence, for the pretended purpose of building a public jail, was conveyed, as can be proved, to this Governor's estate, to be employed in buildings; which added from ten to fifteen thousand pounds to his property?—Does not this last case also expose a cause of great alarm in the inquiry which Colonel Fullarton (so unluckily for Governor Picton), made about the affairs of the jail? But the following case proves something explanatory of Governor Picton's means of becoming rich. Governor Picton bought a plantation of a Spanish Gentleman, who, in consequence of his faith in the arrangement made by the Governor for the payment of the instalments, bought a plantation of a free coloured man: but, on applying to the Governor for the payments, when due, he was referred to the Governor's partner, who, in turn, refused to pay him; so that the Spaniard could not pay the coloured man, because the Governor did not fulfil his engagements; which, when he told the Governor, also informing him, that the coloured man would not be any longer put off, the Governor asked the name of the coloured man, and being answered, he exclaimed, "I know him well, he is a rascal! if he gives you any farther trouble, send him to me, and I will banish him from the Colony as a traitor or brigand." The Governor had not forgot the old advice about making a fortune—

rem facias : rem,
Si possis, recte; si non, quocunque modo rem.

It is very evident, that he found a Governor had opportunities of making a fortune; and he proves, that his situation was more lucrative than it ought to have been, by stating in his address to the Privy Council, that Colonel Fullarton was disappointed in his views of also making a fortune in Trinidad.

I have now exposed the falsehood of the three great principles on which this man rests his defence, by proving that there neither was nor could be, any of those *necessities* which he asserts forced

forced him to be so *cruel*:—that he was as *unjustly mercenary* as he was *illegally cruel*; and that instead of being the saviour of Trinidad, he ought to have *his* share of disgrace for our lost laurels on the continent of South America.

Will you, after all this, still exclaim in fulsome adulation, “*such was the man*,” &c. as above quoted from your book of libels?—But allow me now to give you some knowledge of the Gentleman who you have with such unwarrantable insolence called a “*self-sufficient and foul-mouthed Scot*.”—The following extract alludes to an expedition proposed for South America, by Colonel Fullarton, in the year 1780. Sir John Dalrymple, in the Appendix No. 1, page 114, of the 8vo Edition of his *Memoirs of Great Britain*, printed 1790, writes thus:—“Since publishing the first Edition of these *Memoirs*, I have learned the circumstances of the above expedition. It was planned and proposed to the Cabinet Ministers by *Colonel Fullarton*, of Fullarton, who acted in conjunction with the late Colonel, then Major Mackenzie Humberstone, the first of whom had never been in the army, both representatives of families, among the *most ancient* of their country, *young, generous, spirited, gay, and scholars*. They raised 2000 men *at their own expence*, with unusual dispatch, and involved their estates to a very large amount, by preparations for the expedition, agreeable to the terms on which Government had adopted the proposal.—The object of it was, an attack upon the coast of Mexico: but the unexpected breaking out of the Dutch war obliged the expedition, intended for Mexico, to be sent upon an attack on the Cape of Good Hope; and when that was found improper, it was employed in the war in India, where Colonel Mackenzie bravely fell in his country’s cause.—His friend returned, on the peace, covered with laurels, to defend her liberties in the Senate.”

The laurels he acquired in India are testified by authorities of high rank in the country, in the army, and in the opinion of the public.

Earl MACARTNEY writes a letter from Curzon-street, 6th April, 1795, to Colonel Fullarton, from which I shall make extracts of particular passages:

“I reflect with pleasure on having, when Governor of Madras, entrusted you with commands, in which you have acquitted yourself with signal advantage to the public, and much honour to your-

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self.”—“ I employed you on the most arduous occasions.”—“ I found it necessary to send you to the southern part of the Peninsula of India,”—“ where you soon forced the enemy to retire within their own boundaries.”—“ You pursued them, and wrested from them one of their most important fortresses.”—“ It was a work not less difficult to reduce the rebellious Polygars, who had constantly infested the southern provinces, than to repel the invasion of the external enemy. This was happily effected by you, with little expence of blood and treasure ; and you contrived to leave an impression on their minds, which has rendered them ever since that period peaceable and useful subjects.”

Sir JOHN MACPHERSON, *Governor General of India*, in a letter also writes—

“ You had the honour, in a principal degree, of closing the war upon the Coast of Coromandel, by the extensive and very valuable conquests which the army, under your command, had effected in Tippoo’s country ; and which compelled him to sign the peace of Mangalore.”

As a proof of a *conciliatory disposition*, read the following from KENELM DIGBY, Esq. of the Civil Department of the Southern Army :—

“ To that perfect harmony and co-operation with every class and description of persons, whether King’s or Company’s, civil or military, must, in a great measure, be attributed our rapid success, without derogating in the smallest degree from your military superiority.”

Major-General FORBES writes as follows :—“ You were placed at the head of an army, in as difficult a situation as perhaps ever fell to the lot of an Officer ; and, in the command of that army, you conquered a very rich and extensive country.”

It would be more than the limits of this letter will admit, to publish all the documents that prove Colonel Fullarton’s claims as a Soldier, to the thanks of his country ; and as a Gentleman, a Scholar, and a Philosopher, to the esteem and respect of the honourable, the learned, and the wise : but whoever reads the ignorance you display of his true character, in your vulgar and abusive terms, concerning his independent and meritorious conduct, in endeavouring to bring a public delinquent to justice—who, to repel his deserved accusations,

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has been as scurrilous and abusive as yourself, will easily imagine how indignant *such a man*, as Colonel Fullarton, must feel, at the *vulgar invectives* and *empty pretensions* of Col. Picton, who, instead of having ever performed *any services* to his country, *either in the field or in the Senate*, has brought down upon the British Government the opprobrium of foreign nations ; and has stained the page of British history with such blots of blood, such deeds of despotism, and such cruel crimes, as will not be effaced by all the efforts of the wisest Legislators, for ages to come, should those of the present age any longer neglect their duty to their country, while it is yet in their power to perform it.

JAN. 8, 1808.

DECIUS.

LETTER IX.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

SIR,

WHEN, to gratify malice, men betray the littleness of their minds by descending to acts which every *Gentleman* must feel himself superior to, such men deserve to be treated with that indignant scorn which your conduct merits, for the low cunning that marks your attempts to mislead the Public, in respect of the character of Colonel Fullarton. You have never dared, in all your revilings against that distinguished Soldier and Senator, to attempt the task of pulling down those monuments of his military and parliamentary fame, that are so conspicuous in the Records of the East India Company, and in the Annual Register of the Parliamentary Debates. You knew, that such an attempt would be as fruitless as it would be invidious ; but even that would not have prevented you from taking the chance of doing him an injury, if there had been even the most distant prospect of success. You dared not attempt it, because it would have called the public attention to an inquiry into his public services, which would have ended in your shame, and would have renewed the publication of his military superiority and parliamentary talents : and as they were too meritorious to serve your vile machinations, it is

easy to understand, how, in order that the Public might have no clue to his real character, you have endeavoured to mislead your readers, by calling him *Mr.* instead of Colonel Fullarton. Hitherto you have succeeded; for who could suppose, that *Mr.* Fullarton, who you have so reviled, was the Colonel Fullarton so well and so long known by his services in India, and by his eloquence in Parliament?

Having already torn off the flimsy veil with which you have endeavoured to conceal the crimes of Governor Picton, I began, in my last Letter, to remove the veil with which you have also endeavoured to hide from the world the striking contrast produced, by opposing the injuries which Colonel Picton has done to his country, to the great, yet unrewarded, services of Colonel Fullarton. I have shewn, from Sir John Dalrymple's Memoirs, that, so long ago as 1780, the conquest of South America was a great object in the mind of Colonel Fullarton; and that he proposed it to Ministers, and raised 2,000 men for the service, at his own expence, and involved his estate by preparations for the expedition.—Now, it is understood, that Trinidad was retained at the Peace of Amiens, for the express purpose of opening an extensive commercial intercourse with the adjacent continent of Spanish South America; which Col. Picton effectually prevented, by sending, as he has boasted, alarm into the very heart of that country. But Col. Fullarton's object, in accepting the office of First Commissioner, was, with a view to *those* very important commercial operations, to which, from a very early period of life, he had devoted his attention; and not from those self-interested speculations, which Colonel Picton appears to have so well understood to be connected with a West Indian Government, as to turn them into a source of wealth to himself.—But Col. Picton has even reproached Col. Fullarton with the effects of such disinterested services, by calling him an *insolvent man*; which reproach is cruelly unjustifiable, even if it were true: and *if it were* so, who would have most claim to the thanks and rewards of his country? Colonel Fullarton, who has expended his fortune, has ruined his health, and has spent his whole life in the service of his country?—or, Col. Picton, who, instead of having spent a fortune in his country's cause, has accumulated immense wealth in *only six years*? and whose *bloodless sword*, whenever it is unsheathed, must accuse him of an inglorious military career, distinguished only by his unparalleled cruelty: for
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it was never told of him, that he ever fought a battle, excepting in Wales with Farmer Williams, when they quarrelled about the taxes. *Lucrum turpe res pessima.*—If his hands were as unspotted with pelf and human gore as his sword is unmarked with proofs of honourable warfare :—if he had spilt a tenth part of that blood in the field of battle, with which he has polluted the peaceful plains of Trinidad, his renown would have stood upon fairer ground : but when he waged war, it was with pretended WITCHES, and SORCERERS, and with WOMEN and CHILDREN ; or, if he had men to encounter, it was not with the sword that he destroyed them, but with the halter, the TORTURE, and the FAGGOT !

But, because Colonel Fullarton would not sully his well-earned fame by a participation in such a system of government, Col. Picton charged him with *pusillanimity in Trinidad*, and with *violent revenge in England*. Two such opposite qualities are incompatible with each other in the same mind ; and however much it may have suited his different plans, in these different countries, to urge such incongruities, neither of these qualities are necessary to explain Colonel Fullarton's conduct ; nor was this the first time that *his* principles of action were evinced on such occasions. So far from his repugnance to, and abhorrence of, such cruelties being at all attributable to any personalities, or any plan against Governor Picton, I shall prove, that seventeen years ago, before it was ever in Governor Picton's most sanguine expectations to have the opportunity of abusing so serious a trust, and when he would have been proud of even obtaining a company under Colonel Fullarton's command, who has had the honour of leading to great victories officers who are now Col. Picton's superiors :—I say, even seventeen years past, Colonel Fullarton was called upon, in his place, in the House of Commons, to give his opinion upon conduct, which, in an inferior degree, resembled that which has since been witnessed in Trinidad.—General BURGOYNE, on that occasion, said—

“ I cannot refrain taking notice of one of those officers who is present (Colonel Fullarton) whose conduct has been illustrious, and whose sentiments I hope to hear upon this particular subject. The Honourable Gentleman will pardon me for thus directing myself to him, but I confess a farther motive for offering him a testimony of
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my respect. Many years ago I warmly remonstrated in this House against the nomination of that Gentleman to a high military rank, without his having passed through the subordinate gradations. I thought it an injury to the army, and a bad precedent. I am now happy in an opportunity publicly to acknowledge that his services have justified the act. More enterprize and sound conduct, more ability in every branch of the military profession, has not been shewn by any individual; and I rejoice that the country was not deprived of his exertions.”*

Colonel Fullarton, in the course of his reply, made the following observations; which, though so many years anterior to the crimes of Colonel Picton, are remarkably apposite to his case:

“I must beg leave, said Colonel Fullarton, to enter my protest against any such doctrines as appears to be conveyed on the part of Captain Williams; namely, an idea that unqualified obedience is due to any the most cruel and apparently illegal order. Such doctrine may be admitted at the Durbar of Delhi, or of Oude. Such doctrines might have been approved in the Presence Chamber of Richard III. when “off with his head,” was a sufficient order for executing the first subject of this realm. But, in these better times, in the year 1790, the words, “Put Mustapha Cawn to death, it is the *Colonel’s* order that you put Mustapha Cawn to death,” nay, if he had added, “It is the King’s order that you put Mustapha Cawn to death,” these words, I presume, will be found no justification for an act of bloodshed.”

“He next solicited the forgiveness of the House for having intruded on them with these observations, excited chiefly by his apprehension of the very fatal consequences that might befall the unfortunate natives of Hindostan, if a commander could ensure obedience to any barbarous and bloody order that avarice or rapine might suggest. Let the House recollect, that in the course of Indian service, military commanders are frequently invested with the mingled powers and joint authorities of Superintendants of Districts—Negociators with allied and tributary Princes, and Collectors of revenues. Now, if any order or perwannah from any of those allied or tributary Princes, no

* Parliamentary Debates, Vol. 27, p. 282, and 283.

matter

matter how unjustly issued, or how irregularly addressed, be sufficient authority for a British officer, in command, to issue orders of death against any Indian native, and if every military person under him be obliged to execute such bloody mandate, I should be at a loss whether most to deplore the degraded condition of the British officers and the army in that quarter of the world, or to lament the outrageous violations and calamities to which whole provinces might be subjected by the cruel and rapacious disposition of any individual who might be entrusted with such unqualified and unwarrantable powers."*

Such were the sentiments which Colonel Fullarton publicly professed upon this subject, so many years before he knew that there was such a man in existence as Thomas Picton; and to this day, such are the principles upon which he has acted towards him. Nothing can be more natural, than that Colonel Fullarton should deplore the degraded condition of officers and soldiers placed in the situation of executing illegal and cruel acts:—But it would be more wonderful than it really is, that the officers did not remonstrate against the performance of such painful duty as that which was imposed on them in Trinidad, if it were not true, as it is, that the troops employed with the other persons who attended these executions, were, in general, altogether of an extraordinary description; for there were concerned in these nefarious transactions *French* jailors and executioners, with *Spanish* alguazils; and *Negro* soldiers with *French* officers, in the *West India* regiments. While he had such agents as these at his command, it is not so wonderful, as at first it would appear, that he was able to carry into effect his system of terror, without hinderance or remonstrance; and it may easily be conceived, that he never could have carried his cruelties to such an extent, if such instruments had not been under his command. Judge then of the critical and distressing situation of the *adopted*, and more particularly of the *natural* subjects of Great Britain in Trinidad, when placed under the absolute controul of *such a man*, while possessed of, and disposed to use, *such means* as were in his power.

Besides using such means as these, the imprudence, and I am

* Parliamentary Debates, vol. 27, p. 294 and 295.

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willing to believe, the *ignorance*, of Ministers afforded him opportunities to intimidate the people against sending home their complaints; for he exposed some letters from England, expressing, in general terms, his Majesty's approbation of his conduct; and these he magnified to the French and Spanish inhabitants, as unqualified confirmations of all the acts of his government. Who then could venture to remonstrate at home any more than abroad? As addresses to his Majesty are attended to only when transmitted to the Secretary of State's Office, and will not then be attended to unless transmitted officially by the Governor; therefore no public remonstrance against his government could be obtained from the people; for every individual who might sign it would be a marked object of his vengeance. And even if men could have been found bold enough to brave his revenge, such remonstrating addresses would not have been forwarded by him to the British Government.—A loyal congratulatory and grateful address to the King, on the last peace, was condemned by him as an act of sedition. Some of those who signed it were sent to prison; some were dismissed from public offices, and others were deprived of their Militia commissions, while he intimidated the ignorant foreigners from signing it, by assuring them that it was an act of treason, and should be punished with confiscation, &c.; and all this, though the address did not contain the least complaint against himself, but because of its containing the following prayer in favour of a British Constitution:—"We humbly beg leave to represent, that, next to our most anxious prayers, which will be continually offered up to Heaven for the long life and perfect health of the best of Kings, and for the continued blessing of peace, we earnestly hope your Majesty will be graciously pleased, as speedily as in your Majesty's wisdom may seem expedient, to complete the happiness which we already begin to feel under the cession of this Island to our mother country, by extending to your faithful and affectionate subjects, in this colony, the privileges and protection of the British Constitution, as experienced by a free representation in a House of Assembly, and in the trial by jury—privileges which we ought to inherit in common with our countrymen under your Majesty's mild and benevolent Government in Great Britain and its numerous colonies." *

* Political Account of Trinidad, p. 83.

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I call upon you Mr. Anti-Jacobin, and all the other venal props of Colonel Picton, to justify his conduct in the affair of this innocent, and to any but himself, this inoffensive address ; nor was it offensive even to him in any other point, than that which related to the British privileges of *free representation* and *Trial by Jury* ; privileges, the introduction of which into that Island, he frequently and publicly avowed he would use all his influence with Ministers to prevent. And this was consistent with his true character ; for, the enemy to justice and humanity will ever be the enemy to freedom.

It has been asked, why did not those persons who came to England, or who were residing here, represent his conduct to Ministers ? Let it be recollected, that *anonymous* representations would not be attended to, and *personal* applications for redress were dangerous ; for, Ministers could not with justice refuse to name the accusers to the accused ; and in that case, although the accusers were here, their property, relatives, friends, and agents were obnoxious to Governor Picton in Trinidad, and would severely feel his inevitable and fatal vengeance. Such was the reason actually given by a gentleman when in conversation, while in London, he excused himself from not exposing to Ministers the horrible instances which he had seen of Governor Picton's despotism and cruelty.

Thus I have explained how it happened, that his crimes were never *properly* exposed, until, by his artful, but [unsuccessful, intrigues to draw or force Colonel Fullarton into an approval of his past, and a participation in his future, criminal mode of governing, he over-reached himself by falsehood and new outrages, which brought to light a disposition to tyranny, and illegal severity, that was not before believed by those who had not witnessed his sanguinary system. His first act of intrigue and falsehood was to cause the publication of Colonel Fullarton's speech, on his arrival, to contain unqualified expressions not only of his own approbation, but also of the unqualified approbation of Ministers, which were never uttered by Colonel Fullarton nor ever entertained by him ; and this was in order to commit Colonel Fullarton, in a proclamation, authorising " the continuance of all matters of administration in the Island on the former footing," which Colonel Fullarton would not consent to. The next false-

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hood was that of alledging to those who detested Colonel Picton for his cruelties, *the plan of packing* a Representative Committee, which he apprehended might show *an open* aversion to him in future; and therefore he contrived, by this fabrication, to cause the meeting to be adjourned *sine die*.

The next was a fabricated speech, contrived for the same purpose, and to which Captain Shelton's name is added as a certificate, in the *British Neptune* of last Sunday; but though this is consistent with all the other fabrications of Colonel Picton and his party, it is also as unlike Colonel Fullarton as any other of the falsehoods which have been so repeatedly manufactured. But there is very little danger that such documents will receive the least public credit in future, since the exposure of those deliberate and corrupt acts of falsehood, of which Colonel Picton has been proved to be guilty, by authentic documents in my former Letters. It does not appear a little extraordinary, that, though Captain Shelton has been so long in London, his report of this fabricated speech was never inserted in the Newspapers, until after his departure from London to join his Regiment at Gibraltar!

Colonel Fullarton was known to be mild and conciliatory, and therefore Picton and his party calculated upon overbearing him by outrages. But these calculations were erroneous: for, they did not know that he is as determined as he is cool; and that his perseverance is always commensurate with the difficulties which are opposed to him, more especially when he labours to drag villainy to day-light, and delinquency to justice.

It was also well known by Ministers, that this was his character, from his upright and disinterested conduct in India, and from his sentiments so forcibly expressed in Parliament; and that he could never be induced to tolerate torture, nor illegal and cruel execution: and therefore, *if they knew* that such was the mode of Government to be used in Trinidad, he was unfit for such unconstitutional systems, and ought to have been made acquainted therewith, in order that he might have declined such an odious duty. But I cannot believe that those Ministers were acquainted with such enormities, or they never would have allowed Colonel Picton to have had any share in the Commission. They would have removed him wholly from the Government.

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There is a point, which it is as necessary to explain to the public, as that which I have already explained relative to the difficulty and dangers that prevented remonstrances from being sent from the people of Trinidad. It is contained in these questions:—why were not all these capital charges laid before the public earlier? and why was the case of Louisa Calderon, alone, carried before a Court of Justice? Because persons accused of murder committed beyond the seas, according to the 33d of Henry VIII. chap. 23, must be first examined before the Privy Council—and when “*three of the Privy Council shall think any person so examined to be vehemently suspected of murder,*”—the act goes on to state, that his Majesty’s Commission for Oyer and Terminer shall be made for the *speedy trial*, &c. It is a fact that Governor Picton was examined before the Privy Council, and seven cases being each sworn to by at least two evidences, he was committed and held in custody some weeks, and then was held to bail in 40,000*l.* to answer any charges of *murder or murders*. Surely it cannot be imagined, that he would have been committed, unless there was “*vehement suspicion of murder.*”—That there was ground for such “*vehement suspicion*” who will deny, when the facts were sworn to by more than one evidence in each case; and this, I humbly submit, was all that was necessary to comply with the 23d chapter of the 33d of Henry VIII.; after which, I humbly conceive, more was not legally in the power of the Right Honourable Privy Council than to send him to trial—nor indeed has any thing *more* been done, for certainly he has not been declared by the Privy Council to be innocent, nor has he *yet* ever been sent to trial. But while the cases were before that august Tribunal, proper decorum forbade the publication of them; and forbearance was observed while it was expected from the justice of that Board, that he would be sent for trial, to the ordinary Courts of Justice; as it is not understood, *in this day*, that the King’s Privy Council decides in cases of a capital nature. The practice of the Star-Chamber must not be revived. If the Privy Council are to act as a grand jury, let the accused be sent to trial when “*vehement suspicion of murder is proved,*” according to the 33d of Henry VIII.; as, has been the case, in the capital charges against Colonel Picton.

But the case of Louisa Calderon was not a capital case, and therefore it was *rejected* by the Privy Council, and was carried into the

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Court of King's Bench, before my Lord Ellenborough, to be tried under the 42d of Geo. III. : so that the merit of obtaining the justice hitherto obtained in that case is due to this act, commonly called Lord Ellenborough's. Torture being a misdemeanor, cannot be tried under the 33d of Henry VIII. ; and murder beyond the seas cannot be tried by any other act. Therefore, Colonel Picton now laments that he is not charged with one more capital case ; for, if, instead of only twenty-nine capital cases, he had also *hanged* Louise Calderon, instead of *only* torturing her, it is probable that he would not at this day have been tried for that charge, though he has been tried and convicted for the torture. Such opportunities does the 33d of Henry VIII. afford for the escape of those who commit crimes beyond the seas, because they are first to be examined before Ministers, who sometimes think it *advisable*, and sometimes *not advisable*, to send a Governor to justice. In the case of Governor Wall it was thought *advisable* ; and when condemned, it was not thought advisable to pardon him. But in the case of Picton, there has been no occasion for consideration, whether he is pardonable, or should be pardoned : our beloved Sovereign, " in whose Crown the brightest gem is mercy," has not been allowed the opportunity of exercising that amiable clemency towards this man, who never exercised clemency towards any man.

But as Governor Picton's friends repeat *for him*, even in public coffee-rooms, the bold recriminations with which he pretends to be furnished for intimidating purposes, I may take an opportunity in a future Letter of laying such explanatory matter before the Public.

JAN. 16, 1803.

DECIUS.

LETTER X.

TO THE EDITOR OF THE ANTI-JACOBIN REVIEW.

SIR,

IN your December Review, you have again introduced the "*Pictonian Prosecution*," although no book under that title was ever published, or even written, and therefore was never sent to you
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for criticism. When barristers mix themselves in their clients' affairs, or descend to the transactions of Attornies, their more respectable brethren condemn such extraordinary proceedings, as unbecoming and disreputable. It must be deemed equally so, when a man, who pretends to be a literary critic, departs from his proper business of criticism, to mix himself in the business of parties; to enter into all their scurrility; and to assist them with his pestiferous breath, to blast the fame of persons of whom he has no knowledge; and in the darkness of his secret situation, allows his arm and dagger to be directed, by the hand that pays him, to the backs of men whose faces he never saw, and whose just resentment he dares not to meet.

As I write anonymously, my writings are fair game as well as your own. But when I have written any thing of men, whose names I have mentioned, it must be evident from my circumstantial statements, that the characters are personally known to me; and any defence they may set up, you shall see can be refuted; or any prosecution they may institute shall be so far defeated, that the world will be convinced they have merited the severity of my strictures.

But your conduct, and the conduct of your employers, is not so justifiable. You venture, with the boldness of cowards who are not seen, upon every species of falsehood and detraction, calculating, that if some of your shafts can be warded off, yet others may be so aimed, that their poisoned points may inflict wounds, which, from not being early enough perceived, or because the antidote can only be derived from some distant region, will be in the mean time little less than mortal.

Such assassin-like conduct is naturally to be expected from men, who uphold the use of torture; who believe in the necessity for punishing *sorcery* and *witchcraft*; and who prefer death without trial—execution by the faggot—and the licentious use of the Press in the destruction of innocent characters, “over the less certain and more expensive mode of establishing truth in a Court of Law.”*

You prefer the licentious use of the Press, because you expect, thereby, to destroy both accusers and witnesses; and to brow-beat both Counsellors and Judges. That such has been your view, is very apparent in your Magazine, † where you “leave Mr. Garrow to de-

* Anti-Jacobin Review, Oct. 1806, page 173.—† Of Nov. 1806, page 214.

elide whether his Lordship be an 'unprejudiced man' or not." In page 290, you again indulge your insolence, in threatening to "*raise your voice against him in strains that will sound most harshly in his ear.*" But in your August Number of the same year, you have left no stone unturned to affect Lord Ellenborough with the apprehensions of your misguided and unsparing lash. In one place telling him he is "*walking upon burning plough-shares:*" in another, insinuating that his "*Lordship is not exempt from certain influence:*" in a third, comparing his Lordship's situation with "*that in which Colonel Picton lately stood:*" and then, with audacity that was never paralleled but by Colonel Picton, after stating his pitiable situation*, you "*trust that his Lordship has brighter days in store; and that in the vicissitudes of future events, the history of his life will not hereafter furnish MATERIALS for carrying on the comparison!*"

Alas, poor Critic!—as dullness clouds your criticism, and unprovoked malice poisons your dagger, so folly guides your friendship. How could you expect to serve your friend by outraging all decency and decorum? You could not expect to improve his situation, in the minds of Lord Ellenborough and Mr. Garrow, by such means; and you little know either of them, if you expect to deter Mr. Garrow from doing his duty to his client, or the Noble Lord from the impartial exercise of his judicial functions, whether either you or "Mr. Garrow decide that his Lordship is an 'unprejudiced man' or not."

Hitherto you have exulted in the success that has attended your defamatory plan; but imperious necessity, arising out of a due decorum to the Privy Council, and the Courts of Justice, before whom the cases were pending in which Colonel Picton and his coadjutors were charged; and a due deference to the opinions of Counsel, who under such pending causes advised forbearance, has thus far prevented the libellous productions of the Pictonian party from receiving their due punishment: and however much you would prefer the medium of your scandalous and *illegal* Magazine, to the proper course of legal proceedings, the friends to rational freedom, and substantial justice, will always prefer the Courts of law, in defence of character, person, and property, when their *causes are allowed* to be tried before the lawful Judges of the coun-

* Anti-Jacobin Review of Aug. 1806, p. 443.

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try; and, more especially, while those Judges are found to entertain constitutional spirit and uprightness enough, not to be deterred by such disgraceful levellers of all freedom, and truth, and justice, as those who *pretend* to be *Anti-Jacobins*, but who are, in truth, the veriest *Jacobins*, and would level all characters, and every distinction of right and wrong, at the feet of an *English Robespierre*. That our Judges are placed in the situation of doing substantial justice, we owe to the liberality of our beloved Sovereign, whose reign will be immortalized by that act, which established the impartial administration of the law, while it secured the foundation of his Throne in the affections of his people, and magnified the lustre of his Crown in the eyes of all Europe. Placed in such an independent situation, my Lord Ellenborough will read your insolent insinuations with indifference, while he may recollect, with pleasure, the language of his predecessor, Lord Mansfield, in the case of the prosecution for No. 45, of the North Briton*.

"I honour the King, and respect the people; but many things acquired, by the favour of either, are, in my opinion, objects not worth ambition. I wish popularity; but it is that popularity which follows, not that which is run after†. It is that popularity which sooner or later, never fails to do justice to the pursuit of noble ends, by noble means. I will not do that which my conscience tells me is wrong upon this occasion, to gain the huzzas of thousands, or the daily praise of all the Papers which come from the press: I will not avoid that which I think is right, though it should draw on me the whole artillery of libels; all that falsehood and malice can invent, or the credulity of a deluded populace can swallow. I can say, with a great magistrate, upon an occasion and under circumstances not unlike—" *Ego hoc animo semper fui, ut invidiam virtute partam, gloriam, non invidiam, putarem.*"

Such sentiments were worthy of a Judge, and the more so, now, because it is a more worthy occasion. They were uttered, when popular clamour was opposed to the exercise of the law under the influence of Ministers; but they are to be felt, now, under the popular cry for justice in favour of the due exercise of the law, against a man

* Burrow's Reports, Vol. 4. anno 1770.

† The Judge had remembered what Sallust said of Cato—"Ita quo minus gloriam petebat, eo magis illum adsequebatur"

who

who is protected by Ministers, although he has outraged every law human and divine:

You compare the situation of my Lord Ellenborough with that of Governor Picton. This is known by every man, who has clearer intellects than yourself, to be ridiculously false; and I am willing to condemn you more for the falsehood than the folly of the comparison; for I think that you, who have acquired so much information in the course of the *Pictonian Prosecution*, cannot be ignorant that my Lord Ellenborough *did not* commit himself to the situation of prejudging Governor Picton, for he absented himself from those Councils, at which Ministers assumed his powers. He is, therefore, not involved in that responsibility which Ministers, unnecessarily, stepped into. The conduct of certain Ministers may with more propriety be compared with that of Governor Picton, since they have prevented the accused from being tried before the Judges of England for the capital charges, as Governor Picton prevented the trial of those innocent people in Trinidad, who would have escaped execution if they had been tried before the Chief Justice of that Island.

It is true Ministers did not, nor could they suspend the Lord Chief Justice from his office, to prevent his judicial operation, as Governor Picton did the Chief Justice in Trinidad: but though the Chief Justice is not suspended from office, yet Ministers have acted like Governor Picton in another point; they have prevented the exercise of the judicial functions, by withholding the accused from the ordinary process of the law. It is lamentable, indeed, that in one reign two sets of Ministers should have conducted themselves so odiously alike, as if there were a plan handed down from the Duke of Grafton to my Lord Castlereagh, to conclude this reign by also recommending disgusting acts of leniency, in order that the rising and the setting sun might be seen alike through the same crimson medium.—But to return to your comparison: you state, that Governor Picton “united the military and judicial powers.” So he did, but *not* “in obedience to his commanding officer;” on the contrary, it was actually his own choice; for it is well known that the command was first offered to Colonel Hope, who declined it, and so might Picton have done. If the Commander in Chief could *order* him to take the government, he could not order him to go out of his profession

profession, to perform the duties of the law. He could not oblige him to be a Judge, nor did he even request it : far otherwise was the case. He appointed a Chief Judge for criminal as well as civil cases, who Governor Picton afterwards suspended from his judicial functions, calling him a "pusillanimous reptile," because he objected to a man's being hanged without a trial ; and because he would not sanction an unjust decree, to dispossess a widow of her property in favour of this Governor's woman : and then *taking upon himself* the judicial powers, he carried on his cruel system ; but not blindly, as you have stated, without "lights to guide" him. But, suppose it were so : it is most wise to stand still in darkness. To *refuse* to hang *without a trial* ; and to prevent the use of torture ; and to *prohibit burning men alive* ; would have been truly justifiable upon the grounds of ignorance as to the legality of such proceedings, as well as upon principles of humanity : and at all events, because at least he knew that such cruelties were illegal, according to the constitution and laws of his own country, of which Trinidad was become a member. But to plead ignorance of the laws of other countries, as a justification of acts which he knew were contrary to the laws of his own country, and indeed of every Christian country, cannot be endured. If he had no "lights to guide him," he is the less justifiable for plunging into darkness : the want of such knowledge is the very reason why he ought not to have interfered with the Chief Justice. He ought not, therefore, to have suspended him, nor to have taken upon himself the judicial power. But how inconsistent is this plea of having no "lights to guide" him, since it has been argued in his favour, that he was guided and justified by many Spanish law authorities, which have been proved, by his own evidence, to have been in the colony at the time of these cruel executions, and to be commonly referred to, and acted upon, in the Courts, in the Cabildo, &c. ; and as he cannot plead ignorance of the Spanish language, he is without excuse : the books were there, and he could read them. At one time he pleads ignorance of them ; at another time he quotes them in his justification. He has sufficiently proved, that there were "lights to guide" him ; but he preferred darkness to light—torture to the trial by Jury—and burning alive to legal execution.

Is this the man to whose situation you compare that of the Lord
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Chief Justice of England?—is this the “*career*” that you have called “*honourable service*?”—is this the conduct which you lament is held up to “*popular obloquy*?” No man ever so much deserved to be held up to “*popular obloquy*,” excepting those who deserve to be impeached, for so long withholding him from the laws and justice of his country.

But you say, he is “*injured in his private fortune*.” If it be so, it is what he merits, who so often “*injured the private fortunes*” of those, whose lives, liberties, and fortunes he ought to have rather protected. But how has his private fortune been injured?—“*thereby hangs a tale*.” It has not been in the liberal establishment of his household; nor in associating with men of high rank and fortune, for that sort of society cannot admit him, while under the verdict of a Jury, although my Lord Castlereagh was hardy enough to introduce him to the King.—Nor has his fortune been lessened by any satisfaction made to those whose feelings and fortunes he has injured. And yet, in support of what you write, his friends say, that from *eight to ten thousand pounds* have been expended in his defence!—How can this sum be accounted for?—Neither Counsel nor Attorney were allowed to be present in all the examinations before the Privy Council: there were no *law* proceedings before that Board; and the only cause that has yet come into any Court of Justice, is that of Louis Calderon; and it is not possible that the expences of his defence in that *one* cause, with all the expence of the mandamus sent to Trinidad added to it, can have amounted to a tenth part of the sum alledged to be expended.

In your last Review you say, that the necessity of establishing British Laws in Trinidad was made the cover of unfounded calumnies in “*The Political Account of Trinidad*,” and this has served you as an excuse for a personal attack, the most false and malicious that can be conceived, against the author of that work. But I shall not be diverted from my first object, the defence of his book, as he is very able to defend his own character, and of course will not neglect to refute your falsehood and malice: but as to his book being a cover for an attack on Governor Picton, every Reader will perceive, that he absolutely avoids, in his “*Political Account*,” every discussion that these letters have contained; and only adverts to what was necessary, to expose the corruption of the present system of that Colony,

Colony, and to recommend a better one : therefore, instead of endeavouring to invalidate his testimony by personal lies, which have no relation to the charges that I have published, as preferred against Governor Picton, you would have done better if you could have proved, that such charges were never exhibited ; or, having been exhibited, that he had been regularly tried, and legally acquitted : for if it had been the case that an indictment had been preferred, and thrown out, as before a Grand Jury, why has he not brought an action, upon such an indictment, for damages against his accusers, as in a false and malicious prosecution ? but, has this been done, or attempted ?—never !

It is not true, that “ no reason appeared for sending him to trial : ” but true it is, that he was not sent to trial ; and this is the difficulty that the public desires to understand : it is for Ministers to explain this enigma. Nor is it true, because it was not possible, that “ all the charges were declared *unfounded*, ” as, upon whatever ground he was not sent to trial on the seven capital cases that were proved, there are *many* other *capital* cases that were not allowed to be proved ; because the Lords of Council often admitted, that the *first seven cases* were proved, and often desired, that more time might not be consumed in verifying charges that were already proved ; and therefore more witnesses were not examined, although more were ready. There are yet charges of a capital nature, that have not yet been examined into—and why are they not examined ?—What mighty merits has this man displayed in the service of his country, that can, or ought, however great, to protect him from the laws and justice of his country ? Why should Ministers be uneasy for this man ?—if he be innocent he will not be punished ; and if he be guilty, why is he protected ? Have his defamatory representations so affected Ministers as to invalidate the testimony adduced ? Look to the credit due to his representations, in the falsehoods established against him in my former letters. Have the evidence before the Privy Council been undermined by him ? This would not be extraordinary, as the proceedings were not according to the forms observed before a Grand Jury, any more than according to the rules of evidence in the Courts of Law. The Privy Council did more than a Grand Jury, and less than a Petty Jury ; they allowed the evidence for the prosecution to be cross-examined ; but the prosecutor was never al-

lowed to cross-examine the evidence for the defendant; and therefore, whatever might be falsely advanced, stands uncontradicted. It is to be presumed, that all this is right, according to the forms of proceeding before the Privy Council; but such is not the practice before either a Grand or a Petty Jury; and yet you say, that this man has been tried and acquitted, and that no charges were proved. The Right Honourable Members of the Privy Council have never made such a declaration. Those Right Honourable Members know, that seven capital charges were proved: and I tell to all the world, that the same capital charges, and many more, can still be clearly proved before a Petty Jury, by numerous evidences now in London, and in different parts of England, Scotland, and Ireland. Nor shall all the RECRIMINATING means, nor DÉFAMATORY productions of the accused, added to all the THREATS of prosecutions, and INFLUENCE of MINISTERS, prevent the CHARGES from being continually repeated, nor deter the evidences from performing their DUTY to an INSULTED PUBLIC, and to the JUSTICE of the NATIONAL CHARACTER.

Let the cases of Governor Wall and Governor Mackenzie never be forgotten: for the charges to the Juries, and the remarks of the Recorder, to the prisoners in those cases, are very apposite. In those cases, there were witnesses who swore to mutiny; but no witness has been produced, in Governor Picton's case, to justify him upon that plea.

In the course of the Lord Chief Baron's address to Governor Wall's Jury he said—"You, Gentlemen of the Jury, will maturely consider whether the prisoner was placed in that situation in which a good Officer is under the necessity of acting with the greatest severity; or whether the whole of the defence has been contrived for the purpose of excusing that transaction which has taken place. If you think there was *no mutiny*, the prisoner's defence is of no avail: if there was a mutiny, then you have to consider whether the punishment was not unjustifiable, and whether the instrument used, and the manner in which the punishment was inflicted, were not of such a nature as to imply malice prepense."

Like Governor Picton, Wall was charged before the Privy Council; but the principal witnesses being not arrived; and it being expected, that the vessel was lost, on board which they were, he

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was allowed by the Privy Council, as in Governor Picton's case, to go at large; but on the arrival of the principal witnesses, he was apprehended, and yet he effected his escape.

In Governor Mackenzie's case, the Court stated, that if "he had a power, himself, to sentence, yet he has not observed one legal step that he ought to have taken :"—"this was a power which he exercised without permitting the man to be *heard*."—"I should have thought, that if a Court Martial duly constituted, had assumed such a power it could not be justified; for Courts Martial, though their power is greater than other Courts, they *never condemn a person unheard*." After the verdict of guilty, the Recorder said, "you have availed yourself of the authority with which you were invested, as an officer in his Majesty's service, by a new and extraordinary execution, to deprive an unfortunate man of his life."—"The laws of this country have entrusted the power of life in the hands of no one man whatever. You have taken upon yourself to do that, which even your Royal Master could not lawfully have done; for you have of your own self, *without a trial*, and by a violent and hasty order, in a most new and unprecedented manner, hurried an unfortunate wretch into eternity, *untried, unheard, and unprepared*."

The cases of Governor Wall and Governor Mackenzie are certainly different from that of Governor Picton, as in theirs there was a disposition to mutiny, and in his there was not—they were charged with only *one* illegal execution, and he is charged with *many*, and some of them more extraordinary than even their cruelty; for instance burning *Pierre Francois* ALIVE! Are Ministers unwilling to send Governor Picton to trial, lest he should not be acquitted? Why do they sympathize so tenderly with him? Have they any other friend whose situation has an affinity with this man's? Why will they excite the public odium of preventing justice, in order to prevent mercy? For, if he never be condemned, he never can be pardoned.

JAN. 29.

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